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## **Not yet at Peace**

### Disappearances and the Politics of Loss in Nepal



Ruth Marsden

Ph.D.

The University of Edinburgh

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## **Declaration**

This is to certify that the work contained within has been composed by me and is entirely my own work. No part of this thesis has been submitted for any other degree or professional qualification.

Signed

Date





## Abstract

The return of a body, alive (*sās*, lit. ‘breath’) or dead (*lās*) is a recurring demand of relatives of the disappeared in Nepal. Hundreds of people were disappeared by state security forces or abducted by the Maoists during the armed conflict (1996-2006). Uncertainty surrounds their whereabouts and their fate remains unconfirmed. Not knowing for certain whether someone is alive or dead is a painful predicament for relatives. Their loss remains ambiguous: there is no body, only an abrupt rupture in their lives. This thesis explores how the effects of disappearances reverberate in the details of relationships within families, with local communities and with the state. The disappeared person’s absence becomes a disruptive and unsettling presence, and has had particular effects for women whose husbands have disappeared.

When people ‘disappear,’ the fragile line between life and death is disrupted: lives and deaths are held in limbo. This thesis explores the social repercussions and the political uses that have been made of this. Ambiguity is both what makes disappearances a particularly difficult kind of loss to bear for relatives; and what makes ‘the disappeared’ a potent political and moral symbol in continuing contests over the state in the aftermath of the war. The relationship between the personal experiences of relatives and the projects of actors seeking to influence the state is complex and over-layered. For relatives, the gap between life and death is paradoxically both a source of hope and of despair. On a political level it becomes a space of ambiguity upon which statecraft is performed.

In Nepal, the search for disappeared relatives developed into collective campaigns demanding truth, justice and compensation from the state. This thesis examines how these campaigns, directed by the Maoist party on the one hand and human rights organisations on the other, whilst advocating for relatives of the disappeared have simultaneously utilised the ‘disappeared’ for their own projects to transform or reform the state. The appropriation of the disappeared as political symbols, has involved inscribing them with new identities as ‘conflict victims’ or as ‘disappeared warriors’. The thesis suggests that the absent bodies of the disappeared have been drawn into different contests of sovereignty. It explores how this politicisation both influences the ways in which relatives come to interpret and experience their loss, and is ultimately often rejected by them. In demanding the return of a body, relatives seek to retrieve the person from the political entanglements of contests over sovereign authority: to reclaim the personal from the political.



## **Dedication**

*For all those who disappeared,  
and for the families who live without them.*



## Personal Dedication

*In the final months of fieldwork in 2009, I lost three people who were encouragers, mentors and guides and who had in different ways inspired and enabled this thesis. To these three people I would like to give special acknowledgement:*

*My grandfather, Rev. David Edward Marsden, who inspired me to study, to travel and to listen to the lives of ordinary people. His dedication to the people he worked with and to challenging injustice have been a deep inspiration. Just before I set out for Nepal he quizzed me on how I would make the Ph.D. useful to the families of the disappeared.*

*My dear friend, Deepika Gurung, who patiently and generously introduced me to her country, her language (Nepali) and her family during my first year working in Nepal in 1999/2000. Already ill when I returned in 2007, her quiet company and friendship were precious gifts even as she struggled increasingly with her illness. Her family home became a haven during the lonely moments of fieldwork and as we mourned Deepika's passing.*

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## **Glossary of Abbreviations**

AFAD	– Asian Federation Against Involuntary Disappearances
AGM	– Annual General Meeting
ANNISU(R)	– All Nepal National Independent Students’ Union (Revolutionary)
APF	– Armed Police Force
CDO	– Chief District Officer
CPA	– Comprehensive Peace Agreement
CVC	– Conflict Victims’ Committee, Bardiya
CVSJ	– Conflict Victims’ Society for Justice
CPN(M)	– Communist Party of Nepal (Maoist)
DAO	– District Administration Office
DPO	– District Police Office
DSP	– Deputy Superintendent of Police
FIR	– First Information Report
HRW	– Human Rights Watch
ICG	– International Crisis Group
ICJ	– International Commission of Jurists
ICRC	– International Committee of the Red Cross/Red Crescent
ICTJ	– International Centre for Transitional Justice
IHL	– International Humanitarian Law
INSEC	– Informal Sector Service Centre, a Nepali human rights NGO.
MPRF	– Madheshi People’s Rights Forum
NEFAD	– National Network of Families of Disappeared and Missing Nepal
NGO	– Non-Governmental Organisation
NHRC	– National Human Rights Commission
NPTF	– Nepal Peace Trust Fund



NRs	– Nepalese Rupees
OHCHR	– Office of the United Nations High Commissioner for Human Rights
PLA	– People’s Liberation Army
RNA	– Royal Nepal Army
SOFAD	– Society for the Families of the Disappeared
SPA	– Seven Party Alliance
TADA /TADO	– Terrorist and Disruptive Activities (Control and Punishment) Act/ Ordinance
UCPN(M)	– United Communist Party of Nepal (Maoist), formed after CPN(M) joined with CPN (Unity Centre-Masal) in January 2009.
UML	– Communist Party of Nepal (United Marxist Leninist)
UN	– United Nations
UNMIN	– United Nations Mission in Nepal
UPF	– United People’s Front
VDC	– Village Development Committee, used to refer to the smallest bureaucratic geographic division
WGEID	– United Nations Working Group on Enforced or Involuntary Disappearances
YCL	– Young Communist League

## Glossary of Nepali and Tharu Terms

Note: Tharu words are shown in **bold**. All other words are Nepali.

*āndolan* – movement, agitation

***badghar*** – **traditional village leader within Tharu communities in the western Tarai who manages community matters and mediates disputes.**

Bahun (*bāhun*) – highest of Nepal's caste groups, the 'priestly' caste (*brāhman* in Sanskrit)

*balidān* – sacrifice

*bandh* – lit. 'close', or 'shut down', used to describe political strikes in which businesses and transport are forced to shut down.

*bepattā* – disappeared; lost; gone without trace

*B.S.* – *Bikram Sambat*, the Nepali calendar which is approximately 57 years ahead of the Gregorian calendar, and begins in mid-April.

*bīrtā* – lands granted to individuals by the state generally tax-free, especially to Brahmins and members of the Rana family (see Whelpton 2005; Regmi 1971).

Chetri (*chetri*) – second highest of Nepal's caste groups, the 'warrior' caste (*kṣatriya* in Sanskrit)

*dharnā* – sit-in, picket

*dimāg* – 'brain-mind' (Kohrt and Harper 2008), intelligence, mental capacity

Dipavali (*dīpāvalī*) – Hindu festival of light, also called *tihār* in Nepali.

*dukha* – pain, sorrow, grief, trouble, misfortune.

*dwandwa pīṭṭ* – conflict victim

*ghar* – the marital home and its relations

***Gochālī*** – **name of Tharu cultural organisation and magazine, lit. friend (masc.)**

***guruwā*** – **priest, healer within Tharu communities in the western Tarai**

*jan āndolan* – people's movement

*jan sarkār* – people's government

*janajāti* – ethnic community, originally not Hindu

<i>jamindār</i>	– landlord
<i>julus</i>	– protest march, ‘procession’
<i>kamaiyā</i>	– bonded labourers
<i>kaṭṭha</i>	– unit to measure land, approx. 338.6 square metres.
<i>kriyā-karma</i>	– funeral rites
<i>lākh</i>	– one hundred thousand (100, 000)
<i>lās</i>	– corpse, dead body
<i>loktantra</i>	– democracy
<i>madhesh</i>	– historically the plains of southern Nepal and northern India region; in contemporary Nepali politics refers to the area which equates with the Tarai.
<i>madheshi</i>	– people who are from the <i>madhesh</i>
<i>māitī</i>	– natal family home
<i>nāgarik</i>	– citizen
<i>nyāya</i>	– justice
Panchayat ( <i>panchāyat</i> )	– the name of elected local councils set up by the King under the regime of the same name (1962-1990).
Pahari ( <i>pahāḍī</i> )	– people of the hills
<i>pīḍā</i>	– pain, anguish, torture
<i>pīḍit</i>	– victim
<i>pīr</i>	– worry, distress, anxiety, mental trouble
<i>rājya</i>	– state, nation, rule
<i>rāhat</i>	– relief, or <i>tatkālīn rāhat</i> , interim relief.
<i>sankatkāl</i>	– the Emergency, the period in which the state of emergency was imposed
<i>sarkār</i>	– government
<i>sās</i>	– living body, lit. ‘life’, ‘breath’
<i>tālchā lagāune</i>	– “locking”, a kind of protest action
Tarai ( <i>tarāi</i> )	– the plains between the Himalayan foothills and the border with India

Tharu (*thārū*) – large ethnic group, indigenous to the Tarai

Thakuri  
(*ṭhakuri*) – high-caste, Nepali-speaking group from which the rulers of Nepal  
have traditionally come.

*ṭhulo māñche* – important, powerful person, lit. ‘big person’

*yoddhā* – warrior



## Chapter 1. Introduction

*bepattā*: adj. disappeared; lost; gone without trace.<sup>1</sup>

“This was the place where we found his bicycle,” Mohan said. We were cycling along a track in Bardiya in the western Tarai, close to Nepal’s southern border with India. Vivid green paddy fields stretched out across the land on either side, interspersed with plots of empty fallow land. In the distance, a few older women walked slowly along a narrow dyke running between the fields, leading goats and sheep back from afternoon grazing. Between the fields and the track ran a deep ditch. Tall trees rose intermittently from its banks, breaking the expansive view. As we approached a tree with a particularly broad trunk, Mohan slowed his bicycle and stopped at the side of the track. He pointed to the tree. This was the place from which his father had disappeared, he explained. Seven years earlier during Nepal’s Maoist insurgency, Mohan’s father had been cycling along this track on his way home from the local school where he had taught. Soldiers of the Royal Nepal Army (RNA) had intercepted him. Local people who had witnessed the event reported that the soldiers had stopped him and asked him to confirm his name before taking him away in their vehicle. His bicycle had been left abandoned by the ditch near the tree. Mohan’s family later discovered that his father had been taken to an army barracks on the edge of the district. From there they lost trace of him. The army has refused to confirm his whereabouts and he has not returned to the family home. Beside the tree, there were no longer visible signs to tell of what had happened there; but for Mohan this tree had become resonant with his father’s absence, marking the place where his father had been taken so abruptly from their lives. From that moment, Mohan’s family have lived with the distressing ambiguity of his father’s loss and his unconfirmed fate.

This thesis is about the experiences of families of the people who disappeared in Nepal’s decade-long armed conflict between the Maoists and the state (1996-2006), referred to by the Maoists as the People’s War (*jan yuddha*).<sup>2</sup> The whereabouts of hundreds of people who were arrested by state security forces or abducted by the Maoists remain unconfirmed, leaving their lives and those of their families in a state of limbo. Families have tried to trace their relatives to discover their whereabouts, but many have not found answers. This thesis explores the reverberations of disappearances in the lives of these families. It considers the

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<sup>1</sup> From Turner (1931) *A Comparative and Etymological Dictionary of the Nepali Language*.

<sup>2</sup> I have used the terms ‘People’s War’, and ‘armed conflict’ in this thesis, reflecting the varied discourses of those I spoke with, and also used simply ‘the war’.

effects of disappearances on relationships within families, within communities and with the state. In particular, it reflects on the ways in which ambiguity about the fate of the disappeared affects these ongoing relationships. How have people experienced living with uncertainty and ambiguity after a relative's disappearance? How have understandings of personhood and roles within families been affected? Within communities how have neighbours, community leaders and others responded to relatives of the disappeared? In a context where there has been significant engagement of external actors from humanitarian, human rights or political backgrounds with families of the disappeared, what impacts has this had on how families have come to understand their experiences, their own subjectivities, and the possibilities for action on behalf of their disappeared relatives? In what ways has engagement with these actors provided opportunities for the suffering of families to be acknowledged or their practical needs addressed? Underlying all of these questions are the social, cultural and legal implications and disruptive effects presented by the absence of a body. Through listening to the experiences of relatives of the disappeared, this thesis seeks to give witness to their stories and contribute to the understanding of what it has meant to live with a disappeared relative in Nepal.

On the day Mohan and I had stopped by the tree, we had been cycling back from a public meeting at the school where his father had taught. Almost a year had passed since the first post-war election in April 2008 that had established the Constituent Assembly. Villagers had been called to take part in an official consultation on Nepal's new constitution, with political representatives from different parties present. Most of the people who attended were Tharu, the largest ethnic group in the district. Following a series of speeches from the political leaders, people had been invited to ask questions. As this was happening eleven questionnaires prepared by the Constituent Assembly committees in Kathmandu were distributed. These were filled with dense technical questions about issues that included: restructuring the state and the distribution of state power; the structure of the legislative bodies and the judicial system; the management of natural resources and finances; and various other matters relating to the functions of the state and the rights of citizens. People were asked to complete these questionnaires immediately, or return them to the District Administration Office (DAO) within two days. Frustration and disillusionment had been mounting during the discussions and with the distribution of the questionnaires suspicions increased that this was simply a political performance rather than a genuine consultation. One man challenged the political representatives, "You took three months to select a president and four to select a government. How can illiterate people fill in eleven forms [in

two days]?” Another man commented wryly: “Probably not even teachers with degrees could fill out these forms.” The format, language and vocabulary of the official questionnaires had made them inaccessible.

Mohan’s father had spent his working life promoting literacy within the Tharu community in western Nepal. He had believed that through literacy people could come to know their rights. His hope was that this would enable them to secure these rights from the state, challenging their historical exclusion and marginalisation. Despite increasing literacy rates over the last few decades, many in the community, particularly women and the elderly, were still illiterate. However, even for the educated, technical language and bureaucratic culture have continued to ensure that state institutions remain elusive. During the People’s War, the Maoists had raised hopes amongst communities that had traditionally been excluded that their existing relationship with the state might change. In the April 2008 election, all of the ‘first past the post’ representatives elected from the district were from Communist Party of Nepal (Maoist) (CPN(M)) and three out of four were from the Tharu community. However, despite this political representation from their community, the recognition that many barriers to having their voice heard by the state were still in place had provoked the sense of disillusionment at the consultation.

As Nepal has sought to secure the peace process and shape its political future, unresolved disappearances have continued to draw the violence of the past into the present. This thesis presents an ethnography of the politics of loss, through exploring the social and political relations that have been orientated around the absent person. Having first focused on how loss is experienced within families and how it effects social relations within communities, the thesis then turns to examine how the disappeared have been drawn into wider political contests at the level of the state. How have relatives, many of whom previously had limited relations with the state, been drawn into engagement with the state through their search for the disappeared? How have they understood the state and their position within it, and how has this shaped their demands? The thesis documents the activism around the disappeared, exploring the details of how demands for truth, justice and compensation have been articulated, and seeking to understand the ways in which these have been understood by different actors. It examines why and in what ways the disappeared have been drawn into wider political contests over the state during the political transition.



## Political History

The following section outlines the emergence of the Nepali state and its key transformations and gives an account of the specific history of Maoism in Nepal. It highlights three strands of Nepal's political history: firstly, how distribution and control of land has shaped relationships within the state; secondly, how Hinduization of the nation-state embedded the stratification of society and the marginalisation of many ethnic groups; and thirdly, how an uncomfortable relationship has existed between violence and progressive political movements since the earliest days of democracy in Nepal.<sup>3</sup>

The state now known as Nepal was formed in the late eighteenth century when a number of smaller kingdoms were unified by the Shah kings of Gorkha. King Prithvi Narayan Shah gained control of the Kathmandu valley in 1768 and by 1775 had taken eastern Nepal and some of modern day Sikkim (Whelpton 2005: 35). The following decade his son Bahadur Shah annexed the hill states to the west, including parts of present day India. The Gorkhali forces' expansion to the west continued until 1809-10 when they were stopped by the ruler of the Punjab. Their expansion campaign had by this time provoked the concern of the East India Company and in 1814, a brief war ensued in the far western hills, which forced the Gorkhalis to concede the hills to the west of the current Nepalese border (Whelpton 2005: 42).<sup>4</sup> Two years later a British General, supported by a group of Gorkhali deserters, briefly occupied a valley south of Kathmandu, and the Gorkhali rulers were compelled to concede areas east of the current Nepalese border and the whole of the Tarai, the fertile southern plains which run along the northern border of India (ibid.: 42, 43). It was only the skilful negotiations in 1816 of Bhimsen Thapa, a member of the elite courtiers who had seized control from the monarchy in 1806, which persuaded the British to return most of the Tarai, excepting the four most western districts. One of these was the district in which I conducted much of my fieldwork. These districts were not restored to Nepal until forty years later, as a gesture of thanks after Jang Bahadur Rana's military support for the British during the Indian Mutiny of 1857.

Jang Bahadur Rana was the first of the Rana prime ministers. Originally one of the elite families of the Shah's royal court, the Ranas established themselves as hereditary prime

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<sup>3</sup> For a longer historical view of the role of warfare and its ritual importance in the kingdoms which formed Nepal see Lecomte-Tilouine (2004 tr. Gellner).

<sup>4</sup> Nevertheless, the strength of Gorkhali fighters had impressed the British, who became eager to employ them for their own campaigns. From this emerged the relationship between Gurkha troops and the British which continues to this day.

ministers, ruling Nepal for just over a century. Jang Bahadur Rana side-lined the monarchy through taking advantage of rivalries between different factions of the Shah family, that culminated in a bloody massacre called the Kot massacre in 1846 (Whelpton 2005: 46-47). The Ranas were autocratic rulers, who managed the resources of the state largely for their own personal gain (Dahal 2000: 122; Gellner 2008: 8). They pursued programmes of Hinduization, begun under previous rulers, as part of their nation-building strategies (Gurung 1997: 501). In 1854, they promulgated the *Mulukī Āī'n* (National Legal Code) which drew people from Nepal's Hindu castes and ethnic groups, into one overall hierarchical caste order, according to which duties and privileges were determined (Hutt 2004: 2; Gurung 1997: 501-2). This had the effect of turning diversity into inequality, with the ethnic groups subordinate to the Hindu high-caste Bahun, Chettri and Thakuris; and the Parbatiya (Nepali-speaking Hindu castes from the hills) higher than their equivalent castes in the Tarai (Pfaff-Czarnicka 1997: 425; Gurung 1997: 502). This strengthened the rule of the Hindu rulers who "sought to define a national identity which allowed for cultural variation but which had Hinduism as its main pillar" (Pfaff-Czarnecka 1997: 425-426). The Hindu king was at the centre of both the religious and political order of the state, drawing authority from both sources (Burghart 1996: Ch. 8). Ethnic elites were often eager to adopt the rules and customs of the Hindu rulers, performing their allegiance and hoping to garner favour through this emulation (Pfaff-Czarnicka 1997: 454; Whelpton 2005: 56-57).<sup>5</sup> The Ranas developed political relations with the British but kept the country largely closed to foreigners, prohibited religious conversion, and discouraged the development of education (Gellner 2008: 9).

Much of the land of the four Tarai districts, returned to Nepal under Jang Bahadur Rana's rule, was distributed amongst Rana elites as *bīrtā* land holdings (Whelpton 2005: 54). *Bīrtā* is one of the historic land tenure systems in Nepal, which gave individual holders tax-free rights over the land and particular authority over the population living there, enabling them to extract labour and services (Regmi 1971: 26, 225). Regmi described in detail the role of *bīrtā* landowners and the powerful position they held over the people who cultivated the *bīrtā* lands:

Peasants worked on behalf of *Birta* owners in conditions over which the government exercised no direct control. Police and judicial functions were dispersed by the *Birta*

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<sup>5</sup> However, Hinduism was not accepted to the same extent by all ethnic groups and there was no coercion to accept Hindu practices, even though there were tax advantages in some instances (Sharma 1997: 481). Neither was the influence of Hinduism one-way; it was constantly accommodating and being influenced by local practices (ibid.; Whelpton 2005: 56)

owners. [...] Vested with the proprietorship of an estate, the *Birta* owners enjoyed a miscellany of conventional rights and the proceeds of numerous personal servitudes and exactions. Secure from the interference of local officials in the exercise of their rights, they owed allegiance only to the king... (Regmi 1971: 44)

Regmi observed that peasants cultivating these lands had no direct relationship with the state: these land grants “in fact made a virtual abdication by the State of its internal sovereign authority” (1971: 44). Whilst *bīrtā* owners changed with the favour of the ruler, or were moved to ensure that they could not become too strong in any one area, the land tenure system itself remained securely intact. This meant that little changed from the peasants’ perspective: they had to perform the same obligations and subservience (1971: 44-45). These feudal structures of relations are still evident in local structures of relationships between high-caste landowners and poorer Tharu families in these districts today.

The Ranas did all they could to hinder dissent and staunchly resisted the development of political parties who began pushing for democratic rule. In 1941, three of the four leading members of Nepal’s first political party, the Nepal Praja Parishad (Nepal People’s Council), which had been established secretly in Kathmandu, were executed by the regime. These men later came to be recognised as the nation’s first martyrs.<sup>6</sup> However, by the late 1940s, political change was gaining pace. Whilst maintaining tight control within the country, the Rana rulers were unable to direct what was happening across the border. The Indian independence movement strongly influenced the movement for democracy in Nepal. Nepalese students in the Indian cities of Banares and Calcutta began forming political parties. These parties joined in 1947 and then in 1950 merged with a party set up by two disgruntled members of the Rana elite to become the Nepali Congress (Whelpton 2005: 70). The Nepali Congress sought to establish connections with the monarchy. King Tribhuvan, who had been living in the custody of the Rana regime, escaped to India with the support of the Indian embassy (ibid.: 71). India then played a central role in negotiating a settlement, pressurising the Rana regime to relinquish power and allow King Tribhuvan to return to establish a coalition government with representatives from the political parties and the former Rana regime (ibid.: 72).

At the same time as Indian officials were brokering negotiations between the political parties, King Tribhuvan and the Rana regime, armed volunteers linked with the Nepali

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<sup>6</sup> The fourth member of this group, Tanka Prasad Acharya, avoided execution because Nepalese law prohibited the use of the death penalty for Brahmins (Whelpton 2005: 67). He came to be known as a ‘living martyr’ Fisher (1998), a term that has re-emerged more recently amongst the Maoists.

Congress launched attacks on the Tarai, briefly taking Birganj at the end of 1950 and later Biratnagar and parts of the eastern hills (Whelpton 2005: 71). The Mukti Sena (Liberation Army) had been set up secretly by Nepali Congress leader B. P. Koirala and the Rana defector Subarna Shamsher. It included former Gurkha soldiers and students, as well as those suspected of being mercenaries, and achieved surprising success (Whelpton 2005: 70; Hoftun et al. 1999: 17-19). Bhattachan has highlighted that leaders of indigenous ethnic groups contributed significantly to the Mukti Sena, but were later systematically excluded from political roles and public offices by Bahun-Chettri leaders (2000: 140). In April 1951, an armed revolt by a rival political faction against the newly installed Government was used by the Nepali Congress as an excuse to keep its own armed volunteers from the Mukti Sena, renaming them the Raksha Dal ('Protection Group'). This revolt prompted the instigation of the Public Security Act which allowed for detention without trial for up to twelve months, a provision which was subsequently used to detain leading political opponents (Hoftun et al. 1999: 34-35, 33), setting a disturbing precedent for the political manipulation of the law and lack of safeguards against political impunity in more recent times. Nine months later, in January 1952, dissatisfaction within the Raksha Dal provoked a second more serious revolt against the Congress-led Government. Although they were rapidly suppressed, they had been able to release detained leaders, seize arms and occupy government buildings (Hoftun et al. 1999: 35-6).

The first democratic elections were held in 1959 in which the Nepali Congress won a majority; but by the end of the following year King Mahendra had disbanded this Government and in its place established the Panchayat regime through which the monarchy ruled Nepal for the next thirty years. The Panchayat regime was hailed as a partyless democracy especially suited to Nepal, which operated through a structure of village, district and national councils of which the monarch was ultimately at the head. The overthrow of the Rana regime had seen the opening of the country and the instigation of the first programmes of development funded by foreign aid. During the Panchayat era *bikās* (development) became a central ideology of the nation-building programme, with regular development plans prepared every five years (Whelpton 2005: 125, 173). Over the following decades the idea of development came to take on an increasingly important place within the political imagination, creating new subjectivities within local communities (Pigg 1992, Ahearn 2001).

Despite changes in the governing structure from the Shah period, through the Rana period, the Panchayat period and, most recently, modern multi-party democracy, Dahal highlights

that it has always been a small number of elite families who have held the central positions of power (2000:122-3). These families initially belonged exclusively, and later primarily, to the Hindu high-caste Bahun, Thakuri and Chetri castes (Dahal 2000: 131). Those in power extended benefits to the people in their patronage networks, leaving the majority from other ethnic groups and castes marginalised from access to state resources (for more details on patronage networks see Bista 1991; Justice 1986). When the structure of government shifted, people from these elite groups often managed to manoeuvre for positions in the new governing structures; for example, members of Rana families joined political parties in the late 1940s and early 1950s, and similarly Panchayat leaders joined political parties in the 1990 transition to parliamentary democracy. This continuity in the power of elites has been mirrored in local governance, where landlords who dominated the Panchayat committees later took up positions in local government (Dahal 2000: 128). Dahal claims that in the democratic era the historic distance between the ruler and his subjects has in effect continued: “there has been little shift in the concept of legitimacy and the people’s arbitration for authority and power” (ibid.: 131).

The violent uprisings of the 1950s did not cease with the establishment of the Panchayat system. Following King Mahendra’s dismissal of the Government and banning of the political parties in 1960, another armed rebellion was staged. A guerrilla force, said to be three thousand strong, made up of volunteers from the Nepali Congress and the Gorkha Parishad parties, assembled in India and launched raids from across the border. These raids continued for over a year until the campaign was called off, at the request of India, in November 1962, by which time government figures suggested at least one hundred and thirty people had been killed (Whelpton 2005: 99). What had been established during these decades was a two-fold precedent of using violence and armed political rebellion to fight for a more democratic and representative state, and using harsh repression to suppress political dissent. The culture of impunity for political violence had taken root in modern politics in Nepal.

In September 1949, the Communist Party of Nepal was established in Calcutta. Unlike the Nepali Congress, its founder, Pushpa Lal Shrestha, refused to compromise with the monarchy and rejected the Delhi brokered agreement between the Nepali Congress, King Tribhuvan, and the Ranas (Thapa 2004: 23). Instead, it made demands for the establishment of a republic, a struggle against the feudal state, and the establishment of a Constituent

Assembly (*ibid.*: 24).<sup>7</sup> In 1952, the Communist Party was banned after its support for the Raksha Dal mutiny. In 1956, there was said to be a secret pledge by Communist Party leaders that, in exchange for a rescinding of the ban, they would not oppose the monarchy (Whelpton 2005: 91; de Sales 2008: 338). The following decades witnessed a series of factional splits and the creation of splinter parties (some of which later re-merged). By the end of the 1970s there were seven separate factions of the Communist Party, differentiated in their stance towards the monarchy and relations with the Nepali Congress, and in their alignment with Beijing or Moscow (Whelpton 2005: 106).

Of these factions two had emerged that followed the more radical Maoist ideology. The first was the Jhapeli group, a district level committee of the Communist Party, which launched an armed campaign against ‘class enemies’ in Jhapa in the early 1970s, and was inspired by the Naxalite movement across the border in West Bengal (see Thapa 2004: 32-34). This violent revolt was quickly suppressed by the state security forces, and the group reverted to clandestine but non-violent actions (Whelpton 2005: 106). It is said that the Jhapeli group made attempts to link with the other radical factions but was rejected and criticised by them (see Thapa 2004: 33). Members of the Jhapeli group joined with other local movements who went on to form the Communist Party of Nepal (Marxist-Leninist) in 1978. They eventually abandoned their more radical political roots completely, and joined leaders of the original Communist Party to form the Communist Party of Nepal (United Marxist-Leninist) (UML), which accepted the monarchy and formally rejected armed revolt, opting instead for a policy that would pursue change through programmes of land reform. This became the largest and most influential of the communist parties and the main opponent of the Nepali Congress after the reinstatement of Parliamentary democracy in 1990.

A second faction that took a more radical Maoist line was the Communist Party of Nepal (Fourth Convention), established by Mohan Bikram Singh in 1974 (see Thapa 2004: 30-32). Singh had become a charismatic communist leader in his home district of Pyuthan in the mid-western hills. He stood against compromise with the monarchy and argued for elections to a Constituent Assembly (Thapa 2004: 28; Cailmail 2008-2009: 36). The Fourth Convention became the most influential of the radical groups and it was a faction of this group, the Communist Party of Nepal (Mashal), that became a precursor to CPN(M). Current Maoist leaders including Prachanda and Baburam Bhattarai, as well as Mohan Baidya were initially members of Mohan Bikram Singh’s party. Cailmail (2008-2009) presents a detailed

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<sup>7</sup> These same demands were to be repeated as core demands of CPN(M) in fighting the People’s War.

account of Mohan Bikram Singh's influential role in the development of the Maoist movement in Nepal.

Hoftun et al. provided a critical analysis of the different factors that contributed to the failure of democracy to take hold in the 1950s, suggesting that these include: the repeated postponement of elections; personal rivalries obstructing the collective pursuit of democracy; and India's encouragement to take strong action against communist activities for the sake of stability, even at the expense of democratic civil liberties (1999: 43-45). It is interesting to note that many of these factors have been recognisable in more recent political developments. Strong action targeting the Maoists, both immediately preceding and in the early years of the People's War, disregarded wider civil liberties and resulted in abusive state violence against civilians; in the aftermath of the war, there was repeated postponement of elections for the Constituent Assembly; and personal political favours and rivalries have emerged once again in the post-war governments, all signalling the continuing fragility of Nepal's democracy (see Martin 2012; International Crisis Group (ICG) 2010b).

## **The People's War**

This section provides an overview of the events of the People's War and highlights particular details in relation to disappearances and violations against civilians. A fuller chronology of events from the formation of CPN(M)'s plans for the People's War in 1995 to the election of Nepal's first Maoist Prime Minister in 2008 is presented in Annex One. Important dates in the development of international human rights monitoring and the establishment of the United Nations (UN) peace monitoring mission have been included.

The People's War grew from districts in the mid-western hills of Nepal, in particular Rolpa and Rukum, where Maoist groups had been building a stronghold and state repression against them had already begun.<sup>8</sup> In 1991, the United People's Front (UPF), a political front organisation of the Communist Party of Nepal (Unity Centre), contested the national elections and won nine seats across the country, including in these districts.<sup>9</sup> Following this, their political opponents in the Nepali Congress, who were leading the Government at the

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<sup>8</sup> There had been a history of communist influence and anti-state politics amongst Magars in this region for several decades (Ogura 2007; de Sales 2008: 79; Lecomte-Tilouine 2004, 2008).

<sup>9</sup> The Unity Centre party had formed in 1990 when four factions of the Communist Party reunited around a shared Maoist vision, electing Prachanda as general secretary and declaring the intention of working towards launching a People's War (Thapa 2004: 36). In 1995, the Unity Centre was renamed the Communist Party of Nepal (Maoist).

time, repeatedly exploited their positions of power to target the UPF and its supporters in these districts, enlisting the support of the police (Hutt 2004: 5). Human rights reports from the early 1990s documented arbitrary arrest and torture of UPF sympathisers, which sowed the seeds of hatred and distrust of the police and the ruling Government (Thapa and Sijapati 2003: 70 and Seddon 2010: 34 both citing the Informal Sector Service Centre's (INSEC) human rights yearbooks 1993, 1994, 1995). In the spring of 1995, different factions of the Communist Party had joined together to form the CPN(M). In the autumn of 1995, they launched a political campaign in Rolpa and Rukum called the SiJa campaign to mobilise further support for their political movement (Seddon 2010: 36). Only weeks later, in November 1995, the Government launched a massive armed police offensive called Operation Romeo, with the aim of crushing the growing communist movement in these districts. Hachhethu suggests this action marked the Government's initial mistaken approach of treating the Maoists as a "law and order problem" (2004: 61). More than a hundred people were arrested without warrants and subsequently tortured, and thousands of others fled (Thapa and Sijapati 2003: 72; Seddon 2010: 37-38). This police violence in "Operation Romeo" encouraged further sympathy and support for the Maoists in these districts (Seddon 2010: 42; Amnesty International 1997; Human Rights Watch (HRW) 2004; ICG 2003).

On 4 February 1996, the UPF issued a 40-point demand to the Government of Nepal with an ultimatum to meet the demands by 17 February, failing which an armed struggle would be launched. The demand covered issues of nationality, people's democracy, Nepal's relationship with India, land and livelihoods.<sup>10</sup> Without waiting for the Government's response, on the 13th February 1996, the Maoists launched its People's War with simultaneous attacks on police posts in Rolpa, Rukum and Sindhuli and an agricultural development bank in Gorkha (Hachhethu 1994: 61; OHCHR 2012). The police retaliated two weeks later killing six Maoists in Rukum and arresting and later killing two Maoists in neighbouring Jajarkot. A series of attacks by the Maoists and police continued over the following two years. Between May 1998 and April 1999, a second major police operation was undertaken, Operation Kilo Sierra II. More extensive than Operation Romeo, it focused on the mid-western hills and other districts where the Maoists were present, targeting those they believed were Maoist supporters. Far from controlling or quelling the insurgents, this state initiated violence hardened support for the Maoists and further fuelled the conflict (Dixit 2002: 29). Soon after the start of the war, it became evident that civilians were being killed by the state. In June 1998, in Jajarkot, the police targeted a school programme killing

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<sup>10</sup> The 40-point demand was re-published in Thapa (2003: 393) and Hutt (2004: 286).



local teachers, a health worker and students. In January 2000, ten days after a Maoist attack in the district had killed nine police personnel, the police shot into a crowd attending a Maoist cultural programme, killing nine people, seven of whom were civilians,. Maoist cultural troupes were targeted and several artists were killed in different districts.<sup>11</sup> In some instances the actions of the police were clearly disproportionate. In February 2000, police in Rukum killed 18 people and burnt down 300 village houses, allegedly in response to the death of a policeman in a Maoist bomb explosion in Rolpa three days earlier. It was during the early years of the war that the practice of disappearances by state forces was firmly established (ICG 2003: 4-5). Amnesty International (2003) reported 56 disappearances in 1998 and 1999.

Since the start of the war, Maoist attacks were targeted almost exclusively on the police and a small number of local politicians who opposed them. In September 2000, the Maoists launched their first major attack on Dunai, the district headquarters of the remote Dolpo district, marking an escalation in their attacks. They seized the District Police Office (DPO), the prison, the land revenue office and the bank, looting arms and a large amount of cash. Fourteen police personnel were killed and 12 were abducted. Over the following months Maoist attacks killed police personnel in Lamjung and Kalikot, and at the start of April 2001, a series of attacks on police positions in Rukum and Dailekh and Dolakha killed 79 police personnel, including eight after they were alleged to have surrendered.

Then, on 1 June 2001, the country was shaken by a massacre at the very centre of the nation. King Birendra and Queen Aishwarya and seven other members of the royal family were shot in the royal palace in Kathmandu by Crown Prince Dipendra, before he apparently committed suicide. Stories emerged of anger within the family at the Crown Prince's choice of lover, provoking a drug-fuelled outrage. Gyanendra, the former king's brother and one of the few royals not to have been in the palace on the night of the shooting, became the new King. Conspiracy theories abounded amidst the Government's silence and the public's shocked disbelief about the course of events (Thapa 2005). These were fuelled by a letter from Maoist leader Baburam Bhattarai printed in *Kantipur*, a national daily newspaper, which compared the events in the palace to the historic Kot massacre, alluding to internal

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<sup>11</sup> On the importance of Maoists' cultural programmes in building support for the movement see Mottin (2010) and on the use of revolutionary songs see Stirr (2010), de Sales (2003) and also Cowan (2010: 83-84).

rivalries within the Royal family and casting suspicion on foreign influences.<sup>12</sup> King Gyanendra was a very different character from his more popular elder brother, and these events were to have considerable influence on shifting political alignments at the heart of the state over the following years.

The next month, there were a series of Maoist attacks on police posts, again killing a large number of police personnel. The largest attack was on the DPO in Rolpa where the Maoists took 69 police prisoners and, in exchange for their release, demanded the release of Maoist prisoners held by the Government. The then prime minister, G. P. Koirala, ordered the army to intervene and rescue the captured police. When the army did not follow through on his orders he resigned in protest. Historically, the army in Nepal has taken its authority from the monarch and the police from the political parties leading the Government (Whelpton 2005: 87). This incident revealed starkly that authority over the RNA remained with the King, and the Government would be unable to mobilise the RNA without the King's support.

In a major turn of events, days after Deuba was appointed as the new prime minister, a ceasefire was declared. A series of peace talks between CPN(M) and the Government followed. Peace held for some months, but the ceasefire eventually broke down at the end of November 2001, when CPN(M)'s leader, Prachanda, withdrew from talks after the Government refused to concede to CPN(M)'s demand for Constituent Assembly elections. Immediately following this, the Maoists launched their largest attack until that point, for the first time targeting an RNA barracks in Dang. They killed 14 soldiers and injured dozens of others, and looted a huge amount of arms and money. It was at this time that CPN(M) officially declared the establishment of its People's Liberation Army (PLA). In response to these events, the Government declared a state of emergency and the RNA entered the war, taking the commanding role in joint security forces operations. The Maoists were declared 'terrorists' and the Terrorist and Disruptive Activities (Control and Punishment) Ordinance (TADO) 2058 (2001) was passed giving greater powers to the state security forces. In the following days, 11 civilian farmers in Dang and five people attending a religious festival in Rolpa were killed by the state security forces.

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<sup>12</sup> An unofficial translation of Bhattarai's letter was published in the Monthly Review, 21 June 2001, <http://monthlyreview.org/commentary/the-letter-of-dr-baburam-bhattarai-on-the-palace-massacre-in-nepal> (accessed 12/12/13). The editors of *Kantipur* were subsequently arrested for publishing this letter.

The deployment of the RNA marked a major turning point in the war, with a significant escalation in violence. The number of disappearances increased dramatically over the following year, with almost 600 people recorded as missing between November 2001 and January 2003 (data from International Committee of the Red Cross (ICRC) 2012). After the attack in Dang, the Maoists attempted attacks on RNA bases in Salyan and Rolpa, but both were repelled with at least 40 PLA casualties. More large scale attacks followed. In February 2002, the Maoists launched a huge offensive in Achham, attacking the RNA army base and the DPO and setting fire to the DAO, the District Court and other government buildings. More than 150 people were killed including 55 soldiers, 77 police personnel, the Chief District Officer (CDO) and three other government officials, two civilians and at least 20 Maoists. Later that month, 35 construction workers who were building a runway at the airport in Kalikot were killed by the RNA, after having been dragged from their houses. This was allegedly in retaliation for Maoist combatants shooting at an RNA helicopter when it was trying to land there four days earlier, but by the time the RNA had returned their Maoist attackers had left. Of the workers who were killed, seventeen had come from the village of Jogimara in Dhading. Their relatives registered these men as missing when they did not return home, being unaware at the time of what had happened to them.<sup>13</sup>

Both sides continued offensive operations with many casualties on each side; the security forces attacking Maoist training camps and programmes, the Maoists attacking security forces' bases and ambushing patrols. Civilians were included in those killed in many of these attacks and appear to have been directly targeted by security forces in some incidents. In April 2002, the Government announced a bounty on the heads of the Maoist leaders and offered payments for weapons if Maoist cadres would hand them in. The following month, several countries offered military aid to the Government of Nepal, including the United States, India and the United Kingdom. At the end of June, reports emerged that the police had killed Krishna Sen, a Maoist Central Committee member and editor of *Janadisha*, the Maoist-supporting daily newspaper. He had been in police custody in Kathmandu. Reports of other detainee deaths and disappearances during this period were to follow. However, just two weeks after the reports of Krishna Sen's death, the RNA announced the establishment of their first human rights cell in army headquarters.

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<sup>13</sup> The ICRC later made a film about these families and organised a photo exhibition to highlight the plight of families of the missing.

On 4 October 2002, following two major attacks by the Maoists on security forces in Sindhuli and Arghakanchi that had killed more than 100 security personnel the previous month, King Gyanendra sacked Prime Minister Deuba and disbanded the elected Government. He cited the Government's failure to ensure national security as the reason for this move, and made his own appointments to the positions of prime minister and the cabinet. In December, the Maoists issued a statement indicating their willingness to engage in peace talks, but did not cease their attacks. On 26 January 2003, in the first killing of such a high profile figure, the Maoists assassinated the head of the Armed Police Force (APF), his wife and body guard whilst they were on their morning walk in the outskirts of Kathmandu. Another rapid succession of events followed as three days later a second ceasefire was declared. The cessation of hostilities held through two rounds of peace talks, but began to deteriorate at the beginning of August when the Maoists detonated a bomb on a truck carrying security forces. Then on 17 August 2003, the day of the third round of peace talks, the RNA killed 17 Maoists and two civilians in an incident in Doramba, Ramechhap. An investigation conducted by Nepal's National Human Rights Commission (NHRC) later concluded that the victims were summarily executed after having been lined up with their hands tied behind their backs. The RNA initially denied this, but later admitted that some of the killings may have been illegal. This was the first incident of human rights abuses committed by the RNA to receive such high-profile national and international attention. The ceasefire broke down completely ten days after the Doramba incident and fighting began again with renewed intensity. Another escalation in the numbers of disappearances followed, with a particularly high number of disappearances occurring in and around the Kathmandu valley.<sup>14</sup>

Over the first weeks of 2004, CPN(M) made a series of announcements that they had established People's Governments (*jan sarkār*) in eight different regions. These parallel state structures had long been part of their strategy. In March 2004, the Maoists launched major attacks on state infrastructure in two district headquarters, destroying government buildings and communications. The first, in Bhojpur bazaar, destroyed the DAO, the DPO, a telecommunications tower and a bank, and left more than 30 security forces' personnel and at least 20 Maoists dead. The second, involving several thousand PLA combatants in an attack on Beni bazaar, resulted in major destruction of government buildings. More than 100 people were killed and 37 were taken hostage, including the CDO and the Deputy

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<sup>14</sup> See ICRC data and report on Bhairabnath barracks (OHCHR 2006)

Superintendent of Police (DSP).<sup>15</sup> Smaller attacks and hostilities initiated by both sides continued over the following months, and then in October 2004, the RNA launched major campaigns in Maoist stronghold districts targeting Maoist training camps.

Since the start of the People's War, national and international non-governmental organisations (NGOs) had attempted to continue development programmes as normal but, as the conflict intensified, they found that their work space was shrinking and it was no longer possible to ignore the conflict (Segal 2007; DFID 2007). In May 2004, ten international donors announced they were suspending development programmes in six mid-western districts because of threats made to project staff by local Maoists. In parallel, there had been growing concerns in the international community about human rights violations. In December 2004, alerted by a national human rights organisation to the high numbers of disappearances occurring in Nepal, representatives of the UN Working Group on Enforced or Involuntary Disappearances (WGEID) undertook an investigatory visit. This was followed, in January 2005, by a three day visit from the UN High Commissioner for Human Rights, Louise Arbour, during which she agreed a mandate with the Government for the Office of the High Commissioner for Human Rights (OHCHR) to establish an office in Nepal.

In a surprising move, on 1 February 2005, King Gyanendra again dismissed the Government and this time assumed direct power, declaring a three-month state of emergency. He placed senior leaders of the political parties and of civil society under house arrest or had them imprisoned. Media censoring began and substantial communication blackouts were imposed including mobile phone networks. This became a turning point in international opinion: by the end of February both India and the UK had suspended military aid to King Gyanendra's Government. The political dynamics at a regional level within Nepal were also shifting and adding new dimensions of instability. During the second half of February 2005, local protests in Kapilvastu against the Maoists, which had been increasing since the Maoists had killed two people at the start of the month, turned violent. Nine people were killed. Three suspected Maoists were taken to an army barracks but later released. However, they were released into crowds who then lynched them whilst the soldiers were still present. Six more people suspected of being Maoists were killed the following day by protestors and more killings and house-burnings of those with suspected Maoist links followed. In total, 31 people were killed and 708 houses were burnt down.

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<sup>15</sup> For a detailed analysis of this attack see Ogura (2004).

King Gyanendra's assumption of executive powers provided the impetus for the political parties, which had been sidelined by the King and the Maoists, to unite to demand an end to royal rule. Talks were held in May at which seven mainstream parties decided to form the Seven Party Alliance (SPA). A negotiated settlement between CPN(M) and the SPA, was then brokered in India in November 2005, paving the way for collaboration. In April 2006, a massive people's movement, the *jan āndolan II*, brought thousands of people to the streets of Kathmandu and Nepal's other main cities, eventually forcing the King to rescind power. Civil society played a central role in this under the banner of the Citizen's Movement for Democracy and Peace (CMDP) (see Heaton Shrestha and Adhikari 2010). A ceasefire was announced by CPN(M) at the end of April and reciprocated by the newly appointed Government a week later. Hostilities between the two warring parties ceased and over the following months a series of agreements were signed consolidating the steps of the peace process.

The Maoists' approach to the People's War was strategically planned and systematically implemented, following the stages of 'protracted people's war' outlined by Mao, with tactics orientated around the use of the opponents' weaknesses (Cowan 2010: 85-86; Hutt 2004: 5). Their military strategy followed through the stages of: 'strategic defence', which was deemed to have been reached in 2001; 'strategic equilibrium' beginning with the attacks on the RNA barracks in Dang in November 2001; and 'strategic offence,' beginning in the latter months of 2004 (Cowan 2010: 86). Their military strategy was deployed as part of their wider revolutionary political strategy, with military actions subordinated to this (Ogura 2008: 22). In terms of military capacity, the Maoists' fighting forces began with a very small number of combatants and arms. Militia groups were formed in different areas during the first years of the war before the more formalised structure of the PLA was established in 2001. Drawing from observations of PLA videos, Cowan has presented an assessment of the PLA from a professional military perspective, considering the physical, moral and conceptual elements of their fighting strength, as well as the qualities of their commanders (2010).<sup>16</sup> The Maoists' wider strategy sought to gain support from the people for their revolutionary campaign and to build good relationships with communities as they built up their military strength.<sup>17</sup> They developed base areas where they could rely on local support

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<sup>16</sup> Cowan is a retired senior British army general who has had a long relationship with Nepal.

<sup>17</sup> Onesto's diary-like accounts of time spent with the Maoists in their base areas present a sympathetic journalist's insights on some of these relationships (2005).

and later liberated zones within which they set up parallel government structures with People's Governments and People's Courts (Sharma 2004: 45).<sup>18</sup> It was this broad strategy and its success in garnering support that enabled the Maoist movement to make its substantial political and military gains in such a relatively short space of time.

The Government's response contrasted in many respects, appearing more reactive and doing little to build trust amongst local communities. Cowan (2006, 2010: 85) has suggested that the Government and the Maoists were in fact fighting two different wars, a view corroborated by Mehta and Lawoti's (2010) observations. Over the first years of the conflict, the police, as the visible representatives of state power in the districts, were the focus of Maoist attacks. In turn, it was the police, who had not been trained for such a role, who were expected to control the Maoists. It was not until October 2001 that the APF, trained for counter-insurgency operations, were established to support the police.<sup>19</sup> The Parliament was further hindered in its ability to direct a military response by the monarch's long-standing authority over the army in the Nepali polity. Over the first years of the conflict, King Birendra appeared to be reluctant to mobilise the army to fight fellow Nepali citizens; however, when Gyanendra became king, he took a different approach and within months was willing for the RNA to be deployed, marking the point of major escalation of the war. The RNA, trained for international operations with the UN, had not expected to have to counter a home grown insurgency. Its leadership had been drawn historically from elites with close links to the monarch. They perceived the Maoists to be terrorists, who were threatening the integrity and sovereignty of the nation that it was their duty to defend (see Chalmers 2012: 59).

Many analysts have debated what factors contributed to the emergence and growth of the People's War. Hachhethu has criticised the major political parties, the Nepali Congress and UML, for turning to "money, power and patronage" in the aftermath of the first people's movement in 1990, and for failing to maintain their earlier ideological appeal (2008: 172). Pfaff-Czarnecka has discussed how disillusionment and disappointment at the failure of the governing parties to deliver a more representative democracy led to "an openness to political alternatives" (2004: 167). Some have argued that the war was a consequence of failed development, pointing to the unequal distribution of development resources and the failure to

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<sup>18</sup> Lecomte-Tilouine's ethnographic accounts of a Maoist model village have considered forced participation in the *jan sarkār* and fear (2009), and collectivisation and local political roles (2010).

<sup>19</sup> Information from APF website <http://www.apf.gov.np/index.php?c=3&lan=en> (accessed 9/12/13).

improve the livelihoods and well-being of those in the poorest regions (Pfaff-Czarnecka 2004; Panday 2000; Mainali 2003). Unequal impacts of development had seen rising prosperity in urban areas, particularly in the Kathmandu valley, but a decline in rural areas (Gellner 2008: 11-12; Macfarlane 1994: 108; Panday 2000). Critiques of development stated that it had failed to influence political power structures, which favoured elites and excluded the majority of the population (Bista 1991; Seddon 1994). Indeed, the preamble to the 40-point demand at the start of the People's War referenced the failure of development and increasing inequality as reasons for the war (republished in Thapa 2003: 391). Before the war began, Nickson had written a detailed article comparing Nepal's situation to that of Peru and the revolutionary violence of the Maoist 'Shining Path', warning that: "The future prospects of Maoism in Nepal will similarly depend largely on the extent to which the newly elected Nepali Congress Government addresses the historical neglect and discrimination of the small rural communities which still make up the overwhelming bulk of the population of the country" (1992: 383).

Others have suggested that the Maoist movement has built on the *success* of certain kinds of development programmes, particularly those which had sought to empower marginalised groups and had focused on literacy and education (e.g. Gautam et al. 2003: 121). Fujikura's assessment is that the Maoist conflict built on "the radical transformation of the conceptual and institutional field that development interventions created, a transformation that has reshaped the field of political possibilities" (2003: 28). He suggests it was the preceding decades of development that had enabled "new forms of collective imagination", particularly in the development of the national education system and the ideas it promoted about Nepali nationalism and the progress of modernity, which the Maoist movement was then able to build upon (Fujikura 2003: 24). Critiquing the framing of the debate in terms of the failure or success of development, Leve has offered a nuanced ethnography of how support for the Maoist movement amongst rural women in Gorkha was not unaffected by women's empowerment programmes, but was embedded in moral values and understandings of their social personhood within their community (2007).

Further analysis of the Maoist movement has included work on its emergence and development (Thapa 2004; Thapa and Sijapati 2003; Sharma 2004); its structural organisation and functioning (Ogura 2008; ICG 2005); on CPN(M) in relation to Nepal's other left parties (Roka 2004); and on the Maoist movement in Nepal in comparison to the development of Maoist movements in other countries (Ramirez 2004). Thapa's collection *Understanding the Maoist Movement of Nepal* (2003) draws together commentary and



analysis from a wide variety of academic and journalistic sources, including two articles which were credited as being the only academic writing which had recognised the possibility of war, and articles highlighting growing concerns about the impacts of violence and war on Nepali society and civilians. Hutt's edited volume, *Himalayan 'People's War': Nepal's Maoist Rebellion* (2004), addresses the political context in the lead up to and through the first years of the war, the Maoist movement and its history, and early observations from different districts. Ethnographic work has examined women in the movement and the gender dimensions of the People's War (Pettigrew and Shneiderman 2004; Shrestha-Shipper 2010; Sharma and Prasain 2004; Gautam et al 2003); different perspectives on young people and children's engagement in the movement (Zharkevich 2009; Kohrt and Maharjan 2009; Jacquet 2008-9);<sup>20</sup> and an analysis of the Maoist's students' wing (Snellinger 2009, 2010).<sup>21</sup> Ethnographic accounts of experiences of the war at village level have examined effects on everyday life and relations (Shneiderman and Turin 2004, 2010; Shneiderman 2009; Ghimire 2008-9, 2011; Pettigrew 2004, 2008, 2013; Pettigrew and Adhikari 2010) and have included incidences of village level resistance to Maoists (see Shah 2008, Lecomte-Tilouine 2008-9). Manandhar has provided further details on the functioning of the *jan sarkār* in a village in Dhading (2010).

## Disappearances

Disappearances in Nepal have been traced back to 1951, with several cases recorded during the Panchayat era (see INSEC 2008: 3-4; Amnesty International 2003: 5). The political parties were banned during this period and political activists were at risk of imprisonment. In June 1985, during a period of political protests against the Panchayat regime, far-left communist activists usurped a Nepali Congress led *satyagraha* (non-violent civil disobedience) movement, detonating a series of bombs outside the royal palace, the parliament and a large hotel in Kathmandu, and also in other parts of the country (Hoftun et al. 1999: 103-104; Lal 2008; see also Burghart 1996: 315). Even though activists linked with Nepal Janabadi Morcha admitted responsibility for the bombs, and the protests were immediately withdrawn by the Nepali Congress, the regime used these events as an excuse to crack down on dissent and many people were arrested across the country (Lal 2008). Five of

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<sup>20</sup> For a fascinating comparative perspective on politicised Maoist youth in the Bhutanese refugee camps in East Nepal see Evans 2009.

<sup>21</sup> Various accounts from sympathisers and internal observers, including interviews with and articles by CPN(M) leaders Prachanda, Baburam Bhattarai and Hisila Yami (Comrade Parvati), have been published in edited collections by Vishwakarma (2006) and by Karki and Seddon (2003). An extensive bibliography of Nepali and English sources on the Maoist war for the period up until 2004 was produced by the research organisation Martin Chautari (Parajuli ed. 2004).

those arrested, including Laxmi Narayan Jha a respected doctor from Janakpur, were later disappeared from police custody and their fate has never been confirmed (for further details see Lal, 2008, 2009; Amnesty International 1987). During the first *jan āndolan* which ended the Panchayat rule in 1990, allegations were reported that the police were attempting to disappear from hospitals the bodies of people who died after being shot by their forces (Hoftun et al. 1999:121; Adams 1998: 89, 118-19).<sup>22</sup> In the aftermath of the *jan āndolan*, two commissions of inquiry were established: the Mallik commission to investigate violations by the security forces during the *jan āndolan*; and a second commission to investigate cases of disappearances during the thirty years of Panchayat rule (Hoftun, et al. 1999: 257). This second commission is reported to have recorded at least 60 cases of disappearances; however, it did not have the power to name those involved and the then Government did not pursue action on the evidence it had gathered (see INSEC 2008: 3; Timbreza-Valerio et al. 2008: 100; Hayner 2001: 57). Analysts have sharply criticised the Government for its failure to pursue justice at this stage and for allowing the political culture of impunity to continue, citing the subsequent loss of faith in political leaders as a reason for the failure of democracy in Nepal (Lal, 2007; Dixit 2002; Bhattarai et al. 1999). It is interesting to note that the 40-point demand issued by the Maoists at the start of the People's War included a demand relating specifically to justice for three activists who had disappeared from police detention.<sup>23</sup>

During the People's War more than 3,000 people were reported as having gone missing (ICRC 2013: 1; NHRC 2008: 17-18). Some of these people returned, or it was later confirmed that they had been killed, but 1,360 families from all but six of Nepal's 75 districts have not had confirmation of their relatives' whereabouts (ICRC 2013: 1, 51-52). Where families have been unable to confirm the whereabouts or the fate of their relatives, these relatives have become known as *bepattā pāriekā vyaktiharū* ('people who have been disappeared'). Many were civilians, including those who worked as farmers, teachers, students, businessmen, labourers and journalists. Whilst to be very young or very old was rare, incidents of disappearances amongst teenagers were not unusual and young men were the most commonly targeted. Fewer than ten per cent of those who disappeared were women.

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<sup>22</sup> The fact that the King had allowed the police to use live bullets against protesters, and the discovery that a kind bullet designed to inflict maximum injury by exploding inside the body was being used, had marked a point of awakening for medical professionals to the betrayal by the King and fuelled the anti-Panchayat movement (Adams 1998: 90).

<sup>23</sup> Point 16 of the 40-point demand issued by UPF re-published in Hutt (2004: 286).

Of the men who disappeared, 81 per cent were married, leaving wives and often young children behind (ICRC 2009: 2).

The majority of people who disappeared during the People's War were disappeared by state security forces - the RNA, the Nepal Police and the APF. They were arrested on suspicion, or pretence, of their involvement with the Maoists. Whilst some had been party members or activists with Maoist affiliated organisations, others were only sympathisers, or people who had had no involvement with the Party but were mistakenly accused or targeted for other reasons. Arbitrary arrests were made by the security forces of people they believed may have information about the Maoists, which cast the net of suspicion wide (OHCHR 2008: 27). In some instances, disappearances occurred following false accusations made under duress or because of personal vendettas (OHCHR 2008: 22). In an article written shortly after the RNA entered the war, Dixit raised concerns about the newly deployed army's lack of intelligence capacity and its failure to distinguish between "‘villager’, ‘left supporter’, ‘Maoist supporter’ and ‘Maoist’,” with the result that innocent people were targeted (2002: 33). Hachhethu has highlighted how ambiguity could surround a person's political identities particularly amongst those involved in left politics, where the strong overarching commitment to communist ideals crossed party boundaries, and party affiliation could be fluid (2004: 67). These ambiguities, along with the security forces' apparent lack of care in making distinctions, contributed to a large number of civilians being disappeared. Those disappeared by the Maoists were also often people whose identities were in some respect ambiguous: party members who were accused of being traitors, alleged to have duplicitously served their own business interests or informed against the Maoists to the state; people who had impersonated the Maoists in order to extort money; and army and police personnel who were at home on leave. All were in some way seen as harming the Maoist movement, including those suspected of being traitors, impostors or spies (see OHCHR 2008: 69). The Maoists were implicated in between one and three hundred cases of disappearances during the war, according to human rights agencies.<sup>24</sup>

Records of disappearances have been collated, by the NHRC, by the ICRC, by non-governmental human rights organisations, by CPN(M), and most recently by the Government during the process of relief distribution to families of the disappeared. Organisations have primarily relied on relatives reporting cases to them and so numbers

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<sup>24</sup> See NHRC (2008: 17-18), ICTJ (2013: 4), INSEC (2008), and HRW and Advocacy Forum (2008) for figures of disappearances by state security forces and by the Maoists.

differ. The exact number of people who disappeared during the People's War has been difficult to establish. As part of its monitoring mandate, ICRC delegates travelled widely to different districts to monitor undocumented detention and disappearance during the war. Due to this, and to its position of neutrality, the ICRC has one of the most extensive lists of those who went missing. The numbers of outstanding cases reported to the ICRC increased steadily in the years following the war as more relatives came forward to report cases, with the highest number of 1,401 recorded in 2012. The ICRC does not distinguish between those who have gone missing following arrest by state security forces, abduction by the Maoists, or in unknown circumstances. In contrast, CPN(M) has recognised only those who were disappeared by state security forces. Through its network of political cadres, it has collected names of 1162 people who were disappeared by state security forces.<sup>25</sup> The NHRC has reports of 970 unresolved cases of disappearances, 671 of which are believed to have been by state security forces (2008: 17-18, appendices). INSEC, a long-established national human rights organisation with a network of local offices and representatives across Nepal, collected records of 933 disappearances, 828 by state security forces and 105 by the Maoists, as part of its wider human rights monitoring work and annual reporting on human rights violations (2008: 4). In 2010, records of these cases were published as part of a digitalised version of all INSEC's human rights violation case records from the conflict period.<sup>26</sup> Advocacy Forum, a national human rights organisation led by human rights lawyers, began collating reports of disappearances soon after it was established in 2001 and has documented hundreds of cases in the districts in which it has worked, but it has not published a list of cases in the same way as other organisations, choosing instead to concentrate on preparing detailed legal documentation and emblematic case studies. The highest figure for disappearances has been recorded by the Government in records of relief payments to relatives of the disappeared. Figures from 2011 indicated that 1,292 relatives had applied for and received payments (cited in International Centre for Transitional Justice (ICTJ) and Advocacy Forum 2011: 7) and by 2013 this number had risen to 1,517 (ICTJ 2013: 3).

Many families witnessed their relatives being taken from their homes and villages by security forces or the Maoists. Others heard eye-witness accounts of how their relatives had been abducted from their places of work or whilst on the road. It is believed that these people

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<sup>25</sup> This figure was quoted during a programme for families of the disappeared in Lamjung, December 2008 and was repeated by party members at other events (see also in Fullard 2008).

<sup>26</sup> See <http://www.insec.org.np/victim/> where these cases (in Nepali) are available to search by district, date of incident, type of case, gender, occupation, caste, political party affiliation and other factors. Alongside personal and family details, these records include photographs of the disappeared person and statements from witnesses to the disappearance.

were taken to places of undocumented detention, often in army barracks or Maoist camps. Some were traced to these places by family members or the ICRC. After the deployment of the RNA, the authority of the civil administration at a district level is reported to have become subordinate to that of the security forces. With regards to the authorisation of detentions, the CDO simply provided a signature to the necessary documentation as directed by the security forces (OHCHR 2008: 26; WGEID 2005: 17). There is evidence that people were often subjected to torture whilst in detention (HRW and Advocacy Forum 2008; OHCHR 2006, 2008, 2012; WGEID 2005: 12). Under International Humanitarian Law (IHL) holding people in unregistered places of detention is illegal. However, national anti-terrorist legislation, enacted during the war (TADO and later TADA) had authorised preventative detention in a ‘humane place’ (see OHCHR 2012: 26). In practice, there was widespread custody in army barracks. This legislation declared that anyone suspected of “terrorist” or “disruptive” activities could be detained for 90 days without trial, with a further 90 day extension at the discretion of the Home Office. Furthermore, it had defined terrorists, not only as members of CPN(M), but anyone aiding activities carried out by terrorist groups either directly or indirectly. Together these terms created a wide opportunity for arbitrary arrests without proper checks and balances. It was later acknowledged by the Supreme Court of Nepal that: “When detainees are placed in army barracks, where the existing legal infrastructure is not developed to uphold human rights, there are too many opportunities for the gross violation of the human rights of detainees.” (Supreme Court 2007:11).

Placing a person outside the legal protection of the law is at the very core of disappearances. Under international law an ‘enforced disappearance’ is defined as:

the arrest, detention, abduction or any other form of deprivation of liberty by agents of the state or by persons or groups of persons acting with the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.<sup>27</sup>

Removing people from the protection of the law in effect denies their recognition as persons before state authorities. It revokes the state’s obligations and responsibilities to them as citizens. It is for this reason that disappearances have much wider implications for questions of the state and its accountability to its citizens in Nepal.

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<sup>27</sup> *International Convention for the Protection of All Persons from Enforced Disappearance*, 2006, Article 2.

An enforced disappearance refers specifically to actions committed by state security forces, or those acting on behalf of the state, but excludes actions committed by other armed actors. Sometimes in written reports human rights organisations maintained the distinction of legally defined ‘enforced disappearance’, referring to Maoist actions as ‘tantamount to disappearance’. However, in spoken forums the words ‘disappeared’ and ‘*bepattā*’ were commonly used when referring to actions committed by the Maoists as well as by the state. The ICRC and the Nepal Red Cross Society attempted to make another distinction, using the term ‘missing’, a neutral term which does not immediately assume an agent, whereas human rights organisations used the term ‘disappeared,’ with its more potent political and legal connotations. However, these careful distinctions in English were not so clear in Nepali: whilst a distinction can be made between ‘*bepattā bhaeko*’ literally ‘was disappeared’/‘lost’ and ‘*bepattā parieko*’ with the sense ‘was made to disappear’ indicating another’s agency in the act, this distinction was not consistently made. In addition, many relatives frequently used the more common verb *harāunu* (to lose) to describe the loss of their relatives.

At a national level, responses to disappearances have included investigations by the NHRC (2008), a series of political promises during the peace process to investigate and address disappearances (see OHCHR 2008: 64), the establishment of government initiated commissions of inquiry with very limited powers (see International Commission of Jurists (ICJ) 2012), and a significant Supreme Court ruling. The NHRC was established in 2000 as an autonomous statutory body with the remit to investigate human rights violations and undertake its own inquiries into suspected violations (OHCHR 2012: 186). It was legally constituted to visit places of detention for monitoring purposes and make recommendations to the Government on concerns about compliance to human rights standards (*Human Rights Commission Act* 2053 (1997), section 9.2). It had authority to summon witnesses, request evidence, carry out searches, and recommend court proceedings (ibid., section 11). Although constituted strongly, neither its capacity to investigate violations nor the independence of its commissioners has been consistent. Its biggest challenge has been its lack of authority to insist on compliance.<sup>28</sup> In practice, when the Government has failed to respond to requests for information regarding the disappeared or other victims, the NHRC has not been able to insist that government authorities or security forces pass over this information. After the

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<sup>28</sup> In May 2003, during the second ceasefire, the NHRC drew up a Human Rights Accord, which it was hoped would secure a practical agreement between the warring parties to certain standards, but neither the Government nor the CPN (M) signed it (OHCHR 2012: 48).

King's takeover in 2005, he appointed his own commissioners to lead the NHRC, severely compromising the independence of the commission.

In parallel to NHRC, a series of *ad hoc* Commissions of Inquiry on enforced disappearances were established by the Government; however only one conducted detailed investigations on a small number of cases and none had the legal authority or capacity to conduct comprehensive investigations. The first of these was established on 1 July 2004, reportedly in response to growing international pressure (HRW and Advocacy Forum 2008: 19). It was led by the Joint Secretary of the Ministry of Home Affairs, Narayan Gopal Malego with representatives from Defence Ministry, Police Headquarters and the National Investigation Department (Fullard 2008: 9). The Committee had received reports of 320 cases of disappearances, but its minimal investigations into these cases was criticised and its major shortcoming was in having no power to compel cooperation from the security forces (HRW and Advocacy Forum 2008: 20; ICJ 2012: 11; OHCHR 2008: 63). On 1 June 2006 another Committee was established, again under the Ministry of Home Affairs, led by Baman Prasad Neupane, tasked specifically with inquiring into the status and whereabouts of 776 suspected Maoist cadres reported to have disappeared following arrest (ICJ 2012: 12-13). The following month it reported back on the status of 174 of these people, determining either that they had been killed, charged formally or released (ibid.; Supreme Court 2007: 6). Although more effective than the Malego Committee, the one-member Neupane Committee faced the same limitations to its power, especially with regards to the army's refusal to cooperate with its investigations (ICJ 2012: 13; OHCHR 2008: 63). Reportedly this Committee made recommendations to the Government to set up a legal mechanism to determine the status of disappeared persons, and a network from "local administration, political parties, victims and human rights groups and civil society to carry out an in-depth study on alleged cases of enforced disappearance" (ICJ 2012: 13). In response, the Parliament's Foreign Relations and Human Rights Committee is reported to have given a directive to the Government to establish an all-powerful commission, but this was not implemented (OHCHR 2008: 64). The ICJ has analysed the use of *ad hoc* commissions in response to violent incidents by the Government in Nepal, and has suggested that relying on such *ad hoc* commissions rather than on the criminal justice system has undermined the rule of law in Nepal (2012: 11). Such commissions have been a way of appearing to take action whilst in practice continuing to allow impunity, diverting attention from conducting judicial proceedings.

On 28 August 2006, the Supreme Court of Nepal established the first investigative body under its authority, led by an Appellate Court judge and representatives of the Attorney General's Office and the Nepal Bar Association (NBA), to investigate 83 cases of alleged disappearances contained in writ petitions filed with the Court between 1999 and 2006 (ICJ 2012: 5). The Detainee Investigation Task Force had a remit to: determine the status of the disappeared; identify those involved with or authorising the arrest; identify whether there were any cases pending against the detainee; establish until when the status of the detainee was known; and determine the institutions or officers involved in the disappearance (Supreme Court 2007: 6). This Task Force fed into a landmark ruling of the Supreme Court of Nepal on 1 June 2007 on 80 cases of disappearances which had been filed as *habeas corpus* writs.<sup>29</sup> This has been the most significant response to disappearances in Nepal to date. The ruling directed the Government: to enact legislation in line with international law and standards that would criminalise disappearances; and to set up a commission to investigate all disappearance cases between 1996 and 2006. It judged that, "It is a matter of shame to the Government and its agencies that such degrading treatment of human beings systematically occurred in its detention centres" (Supreme Court 2007: 12). Furthermore, it deemed that "the security agencies' violations of the detainees' human rights were incentives for these agencies to disappear the detainees" (ibid.).

The Ministry of Peace and Reconstruction announced the formation of a High-level Investigation Commission at the end of June 2007, and three commissioners, including a former Supreme Court Justice and the NBA Secretary General, were appointed; however, it faced severe criticism for neither complying to the Supreme Court ruling nor to international standards, and the commissioners refused to begin work (OHCHR 2008: 64; ICJ 2012: 6). It had been established under the existing legislation for Commissions of Inquiry like the previous *ad hoc* commissions, rather than under the new, stronger legislation on disappearances demanded by the Supreme Court (2007: 22). This new legislation on disappearances has been through several rounds of revisions and has stalled several times both for political reasons and because of legal concerns. The one part of the Supreme Court's ruling which the Government has responded to fully has been the distribution of the stipulated interim relief money Rs. 100,000 (approximately £900) to the families of the disappeared through the Ministry of Peace and Reconstruction. This was provided initially only to the 80 families named in the proceedings, but in the spring of 2009 a wider

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<sup>29</sup> *Rajendra Dhakal and Others v. The Government of Nepal (Decision of the Supreme Court on Disappearance Case)* Writ no 3775. 1<sup>st</sup> June 2007.



distribution began to all families of the disappeared who had registered in their DAOs and been verified.

As has been described, several NGOs in Nepal had been involved in documenting cases of disappearances. Of these, Advocacy Forum concentrated on preparing more detailed emblematic cases and has supported relatives to pursue information and justice through the courts where possible. For example, cases of disappearance are included in 62 pending cases of human rights violations from the conflict period that they have been tracking (see HRW and Advocacy Forum 2008, 2009, 2010, 2011). Advocacy Forum has coordinated closely with international organisations including Amnesty International, HRW, and the Asian Federation Against Involuntary Disappearances (AFAD) to disseminate information about disappearances in Nepal. It played a significant role in forwarding cases of disappearance to the UN's WGEID, after exhausting possibilities of pursuing information through the Nepali courts, paving the way for the WGEID's investigations and the long-term UN office in Nepal.

The UN's Office of the High Commissioner for Human Rights (OHCHR) in Nepal was established in May 2005 and was at the time the largest standalone field mission (i.e. not incorporated within a wider peace keeping mission), in the world (OHCHR 2012: 15).<sup>30</sup> Its mandate was "to monitor, investigate and report publicly on the observance of human rights and International Humanitarian Law in Nepal" and it was granted broad authority "to engage with non-State actors, to access all places of detention and interrogation without prior notice and to interview detainees without supervision" (OHCHR 2012: 224). It set up monitoring teams to carry out investigations from a series of regional office bases and over the following months disappearances decreased significantly (Martin 2012: 202). Two detailed investigative reports on disappearances were produced by OHCHR. The first was on an RNA Barracks situated on a busy road in Maharajgunj in the north of Kathmandu (also known as Bhairabnath barracks after the battalion whose headquarters was there) where the RNA had detained hundreds of prisoners during the war and from which at least 49 people disappeared (OHCHR 2006).<sup>31</sup> The second was focused specifically on disappearances in Bardiya (OHCHR 2008). Both included interviews with witnesses who had been detained in the same places as people who subsequently disappeared, and detail torture, inhumane and

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<sup>30</sup> See Martin (2012: 202-3) for an insider account on how a strong OHCHR mandate was negotiated and the impact of its early work during the later stages of the war.

<sup>31</sup> A journalist who had been detained in the barracks later revealed that during monitoring visits, army officials attempted to carefully manage what was revealed (see Basnet 2007).

degrading treatment of people whilst in detention. Most recently the OHCHR has worked to develop a Transitional Justice Reference Archive from its own records and those of Nepali and international human rights organisations on the cases of human rights violations during the conflict (see OHCHR 2012).

The organisation providing the most long-term international level intervention on behalf of the disappeared has been the ICRC. Working to monitoring the conflict in Nepal since 1999 and opening a delegation in Kathmandu in 2001, its mandate has been more broadly humanitarian rather than linked specifically to human rights. This has meant it has taken a different approach to disappearances and to work with relatives of the disappeared. Under its mandate for monitoring IHL, the ICRC could request entry to places of detention and was able to register people held there who had not been officially registered by authorities. There is evidence that in some instances these visits and the registration of detainees helped to prevent disappearances (OHCHR 2008: 48 and personal communication with a former detainee). Through its strict policy of neutrality, which enables it to move between different warring parties, ICRC delegates have worked to elicit information about the disappeared from the relevant authorities. Where information has been found, they have endeavoured to share this confidentially with the relatives. The ICRC's approach has focused on the concerns of individual families, in some cases giving economic support, in the form of livelihoods grants, to families in particular need. Since the end of the war, the ICRC has worked closely with relatives of the disappeared to establish support groups (ICRC 2011a; 2011b).<sup>32</sup>

## **Peace Process and Political Developments of 'Transition'**

Since the end of the war, Nepal has been in a period of 'transition'. Politically, the *jan āndolan* of April 2006 instigated a realignment of power between the state, the monarch and the people, opening a space to re-imagine how relations between the state and its citizens could be reconfigured. There was a period of optimism, building on the momentum of the events which had brought an end to the war. However, this dwindled as the months progressed with core elements of the peace process still to be implemented and new practical

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<sup>32</sup> Since the time of the war, the ICRC had worked closely with relatives in Bardiya encouraging them to establish a group see Chapter 5).

and political challenges emerging.<sup>33</sup> After the shared goal of ending royal rule had been achieved and the first steps of the peace process were in place, the collaboration between parties began to weaken. The war had ended with the monarchy as the clear loser, but with neither the army nor the PLA achieving a military victory, leaving two separate armies to be managed. The Maoists continued intimidation and extortion through its newly re-established Young Communist League (YCL) cadres, many of whom were part of Maoist militia groups who had not been addressed in the peace process, presented an additional challenge (Martin 2012: 210-211).<sup>34</sup> Concurrently, the country witnessed political protests and sporadic outbreaks of violence in different parts of the country, particularly in the Tarai (e.g. Dhital 2008-9; ICG 2007b; OHCHR 2007). During the war many ethnic and regional identity groups had become increasingly politicised, and in its aftermath have demanded recognition and representation in the new state (Hangen 2010: 153). Moral and political landscapes have continued to be contested through these claims from *janajāti* and *madheshi* groups who have never been fully recognised or given the opportunity to participate in the state (see Shneiderman 2008; Hangen 2010).<sup>35</sup> The issues of federalism and inclusion became central to the political agenda.

On 18 May 2006, the newly re-established Parliament unanimously passed a proclamation announcing itself to be the supreme body of the nation, curtailing the King's powers and declaring Nepal a secular state.<sup>36</sup> Over the following weeks, in formal peace talks, the Government and the CPN(M) agreed to a 25-point Ceasefire Code of Conduct and to establishing a Ceasefire Monitoring Committee with five civil society leaders as observers. In November 2006, after nearly eleven years of war, the Comprehensive Peace Agreement (CPA) was signed between CPN(M) and the Government. The need to address disappearances was reiterated in the CPA, which included an agreement to release, within 60 days, information about the condition of the people who had disappeared, together with a

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<sup>33</sup> 'New Nepal' was increasingly referred to with irony in relation to the chronic power cuts in Kathmandu, or the paralysing political strikes that shut down businesses and transport in many parts of the country, severely disrupting daily life.

<sup>34</sup> For a fascinating recent ethnography on a YCL house in Kathmandu see Hirslund (2011) and for accounts of the post-war evolution of the Maoist movement see Adhikari (2010, 2012) and ICG (2007).

<sup>35</sup> *Janajāti* refers to ethnic groups who were formally known as 'hill tribes', who have distinct cultures and languages and trace connections to specific territories. *Madheshi* refers broadly to people living in the Tarai (including Hindu castes and Muslims and indigenous ethnic groups) many of whom have cultural and linguistic links with communities across the border in India. However it has become a disputed term politically and many Tharu have rejected their identification with this group.

<sup>36</sup> A detailed chronology of the political events of the peace process until the summer of 2008 is presented in the Annex One.

promise that the rights of the families of the disappeared would be safeguarded (CPA points 5.2.3, 7.1.3, 7.3.2). The interim constitution, approved on 15 January 2007, reiterated the commitment to investigate disappearances and included a point on the provision of relief to the families (point 33(q)). These political promises raised hopes amongst families of the disappeared.

Following the approval of the interim constitution, an interim parliament was formed which CPN(M) also joined, signalling their entry to democratic politics. However, the agreement on the interim constitution sparked new violence in the Tarai where political tensions had been brewing. Madheshi activists were arrested in Kathmandu for burning a copy of the interim constitution. At the core of their protests was the failure of the SPA and CPN(M) to address grievances regarding issues of language and representation for the Madheshi people in the interim constitution. On 19 January, a Maoist activist killed a Madheshi activist in Siraha, further fuelling Maoist-Madheshi tensions and the gathering momentum of the Madheshi movement across the east and central Tarai. At least 24 people are reported to have been killed (18 by the police and APF) in clashes with demonstrators over the following six weeks (OHCHR 2007: 32). Then, on 21 March, in Rautahat, a major clash occurred when the Maoists and the Madheshi People's Rights Forum (MPRF), were both attempting to hold political rallies (see OHCHR 2007). At least 27 Maoists were by thugs MPRF had brought in from India. In September, the violence reached Kathmandu when a previously unknown Tarai-based group detonated three bombs in the city, killing three and injuring at least 20 people. Three days after this, the Government and the MPRF signed a deal and the protests finally ebbed. This was just one of the agreements that post-war governments have had to make with protesting groups. The complexity of contestation over political representation in the aftermath of the war is illustrated by the fact that when an Ordinance on Inclusiveness in Public Services was passed in February 2009 which addressed Madheshi demands, this sparked further agitation. Tharu leaders, strongly rejected their categorisation as Madheshi, and launched movements demanding recognition as a separate ethnic group that shut down the Tarai twice in March and April 2009.<sup>37</sup>

Elections to the Constituent Assembly were postponed twice and, in mid-September 2007, growing discontent led to CPN(M) quitting the Interim Government. The political consensus and cooperation that had led to the end of the war appeared to be crumbling (see Martin 2012: 218). However, in December an agreement was reached that saw the SPA agree to

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<sup>37</sup> These occurred over the time I was conducting fieldwork in Bardiya.

most of the demands made by CPN(M) for the Constituent Assembly elections, which in turn paved the way for CPN(M) to rejoin the Government. Elections for the Constituent Assembly were eventually held in April 2008. This was the largest and most diverse legislature Nepal had seen with 601 parliamentarians, a third of whom were women. More than half the members had been elected through the proportional representation vote, for which there had been quotas to ensure representation from women, Dalits, Madheshis, indigenous nationalities and marginalised ethnic groups (Hangen 2010: 154).<sup>38</sup> No party achieved an outright majority, but CPN(M) succeeded in gaining the largest total number of votes, enabling it to negotiate leadership of the first post-election coalition government. On 28 May 2008, the monarchy was officially abolished and Nepal was declared a secular republic, the Federal Democratic Republic of Nepal. By mid-August Pushpa Kamal Dahal, the Maoist supreme leader 'Prachanda', had become the first Maoist Prime Minister.

During the 'transitional' period, international aid had been directed towards supporting the peace process through various collaborative funding mechanisms such as the Common Appeal for Transition Support, the Nepal Peace Trust Fund (NPTF), and the UN Peace Fund. This included substantial funding for the Constituent Assembly elections and the constitution writing process; provision for the Maoist combatants in cantonments; funding for rebuilding of police posts and the establishment of Local Peace Committees; programmes and payments for people affected by the conflict; and resources for the development of transitional justice mechanisms. Other multilateral and bilateral aid supported access to justice programmes and a wide range of peace-building initiatives and victim support activities. The World Bank provided a loan to the Government for payments to victims of the conflict and allowances to Maoist cantonments, and the Asia Foundation was involved in funding the NHRC. Frieden has provided an insightful analysis of aid and the role of the aid community during this period from a donor's perspective (2012).<sup>39</sup>

The formation of the Constituent Assembly was a major milestone in the peace process, but with the issue of integration of the two armies still unresolved it remained an unstable peace

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<sup>38</sup> Despite this representation in the Parliament, it has been noted that in post-election Governments there has been under representation of women, *janajātis* and Dalits with only the Madheshis over-represented (Martin Chautari 2013: 5).

<sup>39</sup>For an indication of the distribution of aid and the small proportion directed towards people who have been directly affected by the violence, an NPTF summary of its projects until August 2013 indicates the following funding break down: for Constituent Assembly and peace building initiatives at local and national levels (54%); management of the cantonments and rehabilitation of PLA combatants (24%); for conflict-affected persons and communities (5%); security and transitional justice (17%). <http://www.nptf.gov.np/index.php?cid=18> (accessed 22 January 2013).

(ICG 2009). The United Nations Mission in Nepal (UNMIN) had been established on 23 January 2007 with a mandate both to provide assistance to “creating a free and fair atmosphere for the election of a Constituent Assembly and to the entire peace process” and to monitor “the managements of arms and armed personnel on both sides” (Martin 2012: 204). The agreement established that PLA combatants would be confined to cantonments, overseen by UN monitors. A lack of clarity in the peace agreement over the precise process and timescale for integration in the peace agreement, combined with decreasing trust between the political parties, meant that this element of the peace process had stalled.<sup>40</sup> Initial enthusiasm for an international presence in Nepal to support the peace process had waned and, by 2009, both OHCHR and UNMIN had become useful targets against whose influence the political leaders could assert the need for national sovereignty and deflect blame for failure to progress the peace process more quickly.

Despite the early promises to investigate disappearances this had not yet happened and families of the disappeared and other conflict victims were growing increasingly frustrated. The agreements of the peace process had observed the need to address the victims of the conflict and had proposed two transitional justice mechanisms: an investigative commission on disappearances; and a Truth and Reconciliation Commission (TRC). State bureaucrats drafted bills for these and human rights lawyers offered advice, preparing draft examples that would satisfy the requirements of international law. However, the political dynamics with regards to addressing the victims of the war were changing, and this became evident in the increasing politicisation of the legislation process, in particular, the addition of amnesty clauses. National and international human rights actors, whilst welcoming positive attempts to take forward these commissions, remained critical of attempts to reduce the power of the legislation and provide amnesty for serious crimes.<sup>41</sup> In January 2009, the CPN(M)-led Government pushed through legislation on disappearances as an ordinance during a recess in the Parliament and attempted to start the process of selecting commissioners. This legislation: had included an amnesty clause; had stipulated the maximum punishment the

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<sup>40</sup> Demobilisation of the PLA from the cantonments did not happen until 2012, with the majority taking up rehabilitation packages and a much smaller proportion being integrated into the Nepal Army.

<sup>41</sup> The most recent version of the legislation was stalled because of concerns raised with the Supreme Court by a coalition of victims’ groups about the inclusion of the amnesty clause (Bhandari, 8/4/13, ‘Alliance against amnesty,’ *The Kathmandu Post* <http://www.ekantipur.com/the-kathmandu-post/2013/04/08/oped/alliance-against-amnesty/247378.html>). The Court ruled in favour of the victims’ groups and declared the amnesty clause was illegal (2/1/14, ‘Supreme Court Annuls TRC ordinance’, *The Himalayan Times* <http://www.thehimalayantimes.com/fullNews.php?headline=Supreme+Court+annuls+TRC+Ordinance+&NewsID=401699>)

commission could recommend for a person accused of disappearing someone be five years imprisonment, or a fine up to Rs. 100,000; had stipulated that cases must be submitted to the commission within six months of the disappearance becoming known; and had provided insufficient procedures for the selection of independent commissioners and witness protection (ICJ 2009). In the event, the ordinance lapsed before it had achieved the required endorsement in the Parliament, but it created considerable debate amongst families of the disappeared during the time of my fieldwork (see Chapter Six).

In parallel to pursuing transitional justice, lawyers from human rights organisations attempted to pursue justice for cases of human rights violations during the war through the Nepali criminal justice system. Several families, with the support of human rights lawyers, had attempted to file *habeas corpus* petitions for missing relatives, although these were often dismissed (OHCHR 2008: 7). Lawyers filing these cases during the war faced threats from the parties accused (from both the RNA and CPN(M)). In some instances, where lawyers were able to gather evidence for a suspected murder case, First Information Reports (FIRs) were prepared. Almost all of these cases have stalled before investigation. Many faced obstacles even earlier in the process with the police refusing to accept and file the FIR (see OHCHR 2008: 8). To date, arrest warrants for crimes committed against civilians during the war have been issued only in a very small numbers of cases and no case has proceeded to prosecution.<sup>42</sup> The political culture of impunity has continued. The army and the state bureaucracy have not been substantially reformed. Families of the disappeared have witnessed those they believe to have been involved in their relatives' disappearance or death, being promoted within the security services or taking up public leadership positions within CPN(M). Justice has been further compromised through political withdrawal of cases linked to their party members by the leaders of post-war governments.

## Structure of the Thesis

The next chapter presents an account of my fieldwork, a discussion of the specific methodological and ethical challenges that the research has entailed, and a brief outline of my motivations in undertaking this research. It introduces the main areas in which I conducted fieldwork, Kathmandu and Bardiya, and the various people who became my informants and guides.

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<sup>42</sup> One of which has been the high profile disappearance case of 15-year-old Maina Sunuwar (OHCHR 2006b)

The following two chapters explore what it has meant for families of the disappeared in Bardiya to live with the ambiguous loss of their disappeared relatives. Chapter Three focuses on the disappearance of one man, Mohan's father. Through his family we learn about his life and their personal experiences of how his disappearance has affected their lives. The chapter explores how family members expressed their experiences of loss. The first half weaves together a narrative of their father's life, as told by Mohan and his brothers, which seeks to explain why it might have been that their father was taken by the army. Their accounts are embedded in the personal history of their family and in the wider history of their community, offering a description of the local social and political context within which disappearances have taken place. In particular, their narratives draw attention to the historical tensions between Tharu communities and high-caste landlords, and between Tharu communities and the state. In contrast, the second half of the chapter presents a very different kind of narrative. Mohan's mother's story opens a more personal window on the effects of disappearances, demanding that we witness the pain of what it has meant for her to live with a disappeared husband. She literally interrupts her sons' attempts to create a coherent narrative and shifts the focus from the past to the present. The devastating repercussions of her husband's disappearance have yielded a lack of coherence in the narrative of her life, leaving her with ongoing grief and his unexplained absence. This chapter introduces the relationship between ambiguity and disappearances as a key ethnographic and theoretical thread.

Chapter Four, widens the focus from the personal experiences of one family to consider the interpersonal dimensions of loss, looking at the social implications of disappearances for women whose husbands have disappeared in Bardiya. It considers how women are affected by the absence of their husbands and the ambiguity that surrounds their husbands' status. Women's accounts reveal how disappearances have ruptured family life and severely disrupted relationships both within families and with the wider community. Their reflections illustrate both commonalities in experience and where particular experiences have differed. The chapter highlights how women have had to renegotiate relationships and take on new responsibilities, often facing difficult choices. For many women their absent husbands remain paradoxically 'present' in the spaces and routines of family life, uncertainty over a husband's fate sustaining these experiences of absence. Theoretical ideas about the relationship between loss and absence are drawn on to illuminate these experiences.



Chapter Five shifts attention to human rights organisations, their approaches to addressing disappearances and their engagement with families of the disappeared. It looks at the use of documents, and how different understandings of the function and meaning of documents highlight differences in how relatives and organisations relate to the disappeared. It explores how human rights discourse has offered relatives the possibility to see themselves as ‘conflict victims’, and provided a language through which they can make claims on the state. An ethnographic description of an Annual General Meeting (AGM) of the victims’ association in Bardiya, explores these issues further. The support for relatives of the disappeared from human rights organisations, and the considerable international human rights presence in Nepal, have provided potentially powerful new advocates for relatives as they engage with the state to demand truth and justice, which has raised hopes amongst families. The chapter concludes by examining the ways in which human rights organisations make use of ‘emblematic cases’, and how the disappeared are drawn into broader goals to reform the state.

In Chapter Six, the focus turns to the Maoists’ engagement with the disappeared and their families. It describes the development of the Society for the Families of the Disappeared (SOFAD) and traces how SOFAD’s campaigns changed from the time of the war through the post-war period, shifting in parallel to changes in the wider political situation. The chapter draws from interviews with relatives of the disappeared and with Party workers, from public speeches and from Party correspondence with the families. It describes SOFAD’s national convention in Kathmandu and a spontaneous meeting between Maoists and families of the disappeared in Bardiya. It looks at the ways in which families, whose relatives were disappeared by the state, have been drawn into campaigns organised through SOFAD. The Party has recognised the disappeared for their sacrifice on behalf of the nation and their contribution to the revolutionary movement, in so doing appropriating them for their wider political campaign. The extent to which the Maoist ideology of sacrifice has offered relatives a narrative for making sense of their loss is explored.

Chapters Seven and Eight both turn attention to the ways in which the families of the disappeared have engaged with the state. Chapter Seven offers a detailed ethnographic account of a series of protests organised by relatives of the disappeared in Bardiya. It considers how through these protests relatives reasserted their own voices, expressing their current needs and demands for truth and justice. It examines how the discourses and repertoires of protests utilised by human rights organisations and by the Maoists become

resources, some subtly refashioned, in the relatives' protests. The protests are analysed, in the light of ethnographic literature on historic demonstrations in Nepal, considering specifically the use of protests as an attempt to 'speak' to the state (Burghart 1996). The relatives' protests are assessed as an attempt to create a space from which to be heard by the state. The chapter reflects on how these protests created a context in which the anger and the pain of loss could be expressed, a contrast with other settings that becomes more evident in the following chapter.

Chapter Eight describes interactions between relatives of the disappeared and the state bureaucracy, during the distribution of 'relief' payments in Bardiya. Again it traces documents and the trails that they create as relatives move through the bureaucratic process. It observes Maoist involvement in managing and brokering the process. It considers how relatives interpreted relief payments and reflects on the extent to which they accepted or rejected these payments as a form of acknowledgement for their relatives' disappearances. It describes how, through the relief distribution process, relatives' names become inscribed in the bureaucratic records in the place of their disappeared kin.



## **Chapter 2. Unsettling Encounters: Listening to Uncertain Loss**

This chapter introduces the different locations and arenas of my fieldwork and discusses some of the methodological and ethical issues encountered. Fieldwork spanned several locations, from Kathmandu, to district centres and villages. I met with a diverse array of people. Some were professionals and activists for whom ‘the disappeared’ were a focus of their organisational or political work. Others were family members for whom the disappeared were relatives whose absence continued to affect their lives. Different settings required different ethnographic approaches. I describe the first months of fieldwork in Kathmandu and then move on to describe in more detail the district where I spent a longer time with families of the disappeared. Moving between arenas, in particular between the personal lives of families of the disappeared and the professional and political lives of actors working for the disappeared, has shaped the way I have understood and presented this ethnography. The tension between these personal relations and political relations has been at the centre of the ethical and theoretical concerns that have emerged. Emotional as well as intellectual responses to the research have shaped the choices I have made around critical engagement, methodological approaches and interpretations of events, in particular the compulsion to move beyond the organisational arenas and to meet with relatives of the disappeared in their everyday contexts. There were specific ethical issues involved in listening to relatives of the disappeared, which I will discuss in more detail. Equally as challenging were the representational complications and further ethical challenges that arose during the writing process. Before turning to all these issues, I will briefly describe my motivations for embarking on this research and present a series of personal encounters that unexpectedly linked my past research in Nepal with some key themes in this thesis.

### **The Past in the Present**

In the summer of 2001, I was in a village in the Far Western hills of Nepal doing fieldwork for an undergraduate dissertation on participatory development and social change. The previous year I had worked in this village with an NGO that had been running a five-year integrated social development programme. Not long before I was due to leave the district, events occurred that radically shifted the context for studying social change in this remote district. One morning in July 2001, a group of young Maoist cadres had approached the village, marching in single file down a track on the opposite side of the valley. By the afternoon, they had arranged everything for large public programme outside the school on

the site of the old palace. Following months of rumours anticipating the arrival of the Maoists, almost everyone in the village had come to listen. A few days later, I was called to the local tea shop to speak with a man who introduced himself as comrade 'Prashant'. He was from outside the district, and was of a more senior rank than the cadres who had arrived to set up the programme on the first day. I arrived at the tea shop a little nervous, wondering if he would ask me to leave the district. He asked me very little, having no doubt already ascertained what he required from others, and instead was eager to use our conversation to tell me about their movement. He spoke with conviction and enthusiasm about the Maoists' goals, explaining how the social and historical conditions of exploitation in Nepal had made their struggle necessary.

What struck me immediately was how closely some of the agendas Prashant spoke of resonated with the goals of the development programme I had been studying - challenging gender and caste discrimination, working for social justice and accountability, challenging the exploitation of the poor - though the process for pursuing these changes was so different.<sup>43</sup> Reflecting on this encounter afterwards, I was intrigued by the sense that our conversation had been surprisingly similar in style to conversations I had had with development colleagues: he had presented the diagnostic of the problems with society; had outlined a programme to address these; and had even asked me if I had any comments! The fact that he was speaking about a long-term strategic political campaign rather than a project which my development colleagues were struggling to fit into the boxes of a planning tool, made his request more baffling. His vision of social change was committed to challenging existing power structures, by violence where necessary. He had largely avoided this topic in our conversation, but when I questioned him directly he had justified the Maoists' use of violence as a response to the greater structural and historical violence of the state. At the end of our conversation, he made a direct request that I write about the injustice and poverty that people were facing in Nepal and explain what the Maoist movement was trying to achieve. Prashant viewed our meeting as an opportunity to communicate their campaign to a wider audience. Before leaving, he signed his name in my notebook with a red pilot pen: "Comrade Prashant, Communist Party of Nepal (Maoist), Red Army, Western Nepal" and the date, which I realised afterwards was not of the day we had met, but was the date of the first day of the People's War.

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<sup>43</sup> My undergraduate dissertation went on to explore the contrasting notions of participation and social change presented by the development project and the newly arrived Maoist movement (Marsden 2001).

Memories of these brief meetings with the Maoists, and in particular the conversation in the tea shop with Comrade Prashant, remained with me over that autumn of 2001 as I was writing my dissertation back in the UK. I did draft a response to a newspaper article after the Maoists were officially designated as ‘terrorists,’ but at that time did not have the confidence or connections to take this forward. The classification troubled me as it took on new resonance in the aftermath of September 11 as the US global ‘War on Terror’ began to unfurl, contrasting sharply with my experiences of the young people from the neighbouring village in the Far Western hills, who had sat outside a school one morning discussing with fellow teenagers what it meant to be a daughter in Nepal.

Almost ten years later, during my research for this thesis, I was in Kathmandu looking through the pages of an edited book of photographs called *A People War* produced by journalist Kunda Dixit (2007). The photographs, taken by journalists during the war, had been collated for an exhibition organised after the war ended. The exhibition had toured towns across Nepal and the book was widely available in bookshops and on coffee tables in Kathmandu. Many of the images I found deeply harrowing, documenting the violence of the war and its effects; vivid visual stories of harm and suffering. My instinct was to turn my gaze away, not wanting to be drawn into the stories of pain that lay behind each image, or to feel the moral discomfort of looking at another’s suffering from afar. Yet, in taking on this research I realised I had made a commitment to learn as much as I could about what people had experienced during the conflict, and this book had been collated for similar reasons. It was a conscious moment of “not turning away” (cf. Ross 2003: 5). I continued to leaf slowly through the pages, until one image made me stop. The photographer, Ravi Manandhar, had stood behind a soldier who had a rifle slung across his shoulder. This soldier was visible in the foreground, obscuring part of the scene. On the other side of the photograph, the back of a spotlight was visible, shining down to a space in the middle of the picture, drawing the gaze into the scene of a police cell. In the middle of the image a man’s bare torso lay on the floor. The caption underneath read: “Sadharam Devkota (Prashant): coordinator of the Maoist Kathmandu unit was said to have committed suicide after three months in detention at the army’s Brigade in Balaju.”

When I looked at this photograph, it was with confusion and a haunting recognition. I remembered the Maoist comrade I had met in the Far Western hills almost a decade earlier, but at that moment I could not recall for certain if Prashant had been his name. I desperately

hoped this was not the same man. At the same time I realised that even if this was not the same person, it was quite possible that the man I had met in the tea shop was also now amongst the thousands who had been killed or disappeared in the war. It was not until many months later when I returned to the UK and found my old notebooks that I was able to check and re-discover Prashant's signature written clearly in red ink. This might have been conclusive, but I had learnt that aliases within the Maoist party were not always exclusive: one person could have more than one alias; and more than one person could have the same alias. I searched old newspaper reports in an attempt to find more information. An article published at the time of Sadhuran Devkota's arrest, noting that he had taken over the head of the Kathmandu Valley Command for CPN(M) a few months earlier, had a photograph which presented a clear image of his face.<sup>44</sup> It was gaunt and not immediately familiar. Another article reported that in the summer of 2001, just over a month after I had met the man who had introduced himself as comrade Prashant in the Far Western hills, a man named Sadhuran Devkota, had given a statement in Kathmandu at the offices of the Maoist affiliated All Nepal National Independent Students' Union (Revolutionary) (ANNISU(R)).<sup>45</sup> Further searching led to an NGO report indicating that Devkota had previously trained in Kathmandu as an engineer under a Swiss development project (Lal 2007b: 62). Kathmandu was far from the district where I had met comrade Prashant and I had not found any information suggesting a link to the Far Western region. However, several months later, I found another article stating that comrade Prashant had been at a meeting of ANNISU(R) in a neighbouring district in the Far Western hills very soon after we had met.<sup>46</sup> Although I have not been able to verify his identity conclusively, I now believe that the man in the photograph, who died in the police cell, was almost certainly the same man who had spoken with me in the tea shop in the Far Western hills.

It was unusual that the security forces had given journalists and human rights organisations access to army barracks and permission to take such a photograph, suggesting that there was a strategic reason for publicising his case. Newspaper articles at the time of Devkota's death, quoted an army spokesperson reporting that he had committed suicide by hanging himself

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<sup>44</sup> Bohara, 'Divided they Stand,' *Nepali Times*, 19-25 Nov 2004 <http://www.nepalitimes.com.np/issue/2004/11/19/Nation/2025> (accessed 15/09/2011).

<sup>45</sup> 'Police raid Maoist students' office,' Kantipur Online Reporter, [www.kantipuronline.com](http://www.kantipuronline.com), 10 September 2001, accessed through archive <http://www.mail-archive.com/kominform@lists.eunet.fi/msg09204.html> (accessed 15/9/11).

<sup>46</sup> Bista, 'Maoists ask Indian force to quit Kalapani,' 3 September 2001, [www.nepalnews.com](http://www.nepalnews.com) accessed through archive <http://www.mail-archive.com/kominform@lists.eunet.fi/msg09069.html> (accessed 20/11/11).

with his shoelaces from a window frame. This same army spokesperson had insisted that Devkota had been given access to family visits and representatives of the ICRC.<sup>47</sup> Other reports questioned whether his death had really been a suicide. The CPN(M) were reported to have released a statement blaming the army for his death; however, in a confusing twist to the story, they also suggested that he had surrendered to the army and had thus harmed the Party, implying that he had become a traitor.<sup>48</sup> A document submitted to the UN Committee against torture by an international human rights organisation, included Devkota's name in a list of suspicious deaths in custody.<sup>49</sup> All of these different accounts and reports indicate how the circumstances of comrade Devkota's death became contested by different parties.

I have given this detailed account for several reasons. These first brief encounters with the Maoists and the escalation of the conflict later that year, were in some ways what prompted my journey back to the field. In the intervening years, I had only sporadic communication with people from the village and heard little about how the conflict was affecting their lives. I relied on newspaper articles and correspondence with friends in Kathmandu for information. When the opportunity to return to Nepal emerged, I was keen to learn about the experiences of people who were living in communities in rural Nepal and had been directly affected. How had people come to perceive the Maoists? How had the processes of social and political change promised by the Maoists unfolded? What impact and influence were 'post-conflict' NGO interventions now having in communities that had been affected by violence? The possibility to focus more specifically on the experiences of families of the disappeared was prompted through a conversation with my supervisor who mentioned seeing protests by relatives of the disappeared on a recent trip, and was affirmed during the first months of my fieldwork.

Many people who disappeared were first taken to places of undocumented detention in army barracks. State security forces have not accepted responsibility for what has happened to these people under their watch. Unlike in Sadhram Devkota's case, they have refused

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<sup>47</sup> *The Asian Age*, 21 December 2004 accessed from [indiarightsonline.com](http://indiarightsonline.com) archive: [www.indiarightsonline.com/Sabrang/armed3.nsf/38b852a8345861dd65256a980059289d/a31dd0c874da2a6de5256f7400427441?OpenDocument](http://www.indiarightsonline.com/Sabrang/armed3.nsf/38b852a8345861dd65256a980059289d/a31dd0c874da2a6de5256f7400427441?OpenDocument) (accessed 15/09/2011).

<sup>48</sup> 'Maoist leader Prashant committed 'suicide': Report,' 21 December 2004, [www.nepalnewsarchive.com.np/archive/2004/dec/dec21/news02.php](http://www.nepalnewsarchive.com.np/archive/2004/dec/dec21/news02.php) (accessed 15/09/2011).

<sup>49</sup> Supplementary Document Concerning Torture submitted by ALRC to the UN Committee against Torture 35<sup>th</sup> Session (ALRC 2005: 9) [www.humanrights.asia/resources/journals-magazines/article2/0405/persistent-systemic-torture-by-the-security-forces-and-total-impunity-in-nepal](http://www.humanrights.asia/resources/journals-magazines/article2/0405/persistent-systemic-torture-by-the-security-forces-and-total-impunity-in-nepal) (accessed 15/09/2011).



access to witnesses and have not confirmed whether these people are alive or dead. The army, the Maoists and human rights organisations all made different public statements about Devkota's death, utilising this for their different political and other agendas. The personal loss and grief of those who knew Devkota as a family member, friend or former colleague remain hidden in these public representations of his death. In relation to the disappeared, this research examines public representations of the disappeared, and also attempts to look beyond these to learn about the personal experiences of families. In contrast to the photograph that appeared of Devkota's body, the bodies of the disappeared remain hidden. Revealing Devkota's body and confirming his death, and choosing *not* to reveal bodies or confirm the whereabouts of the disappeared are both profoundly political acts. The disturbing experience of finding the photograph of Prashant amongst the images in the book and of attempting to retrace his life, gave me a small glimpse of how deeply unsettling partial recognitions and uncertainties can be. As this research has progressed, some of the core methodological (and later representational) challenges I have encountered have centred on uncertainties: how to listen to the ambiguities of loss faced by the relatives of the disappeared; and how to give attention to what is revealed through partial recognitions and the silences.

### **'The Disappeared' in Diverse Arenas**

When I returned to Nepal in late 2007, it was almost a year after the CPA had been signed and the presence of the new organisational infrastructure supporting the peace process was evident around the streets of Kathmandu. A proliferation of offices belonging to new Non-Governmental Organisations (NGOs) had emerged whose signposts announced their business as: 'human rights', 'conflict-mitigation', 'access to justice', 'peace', 'democracy', the 'citizen's voice'. With the arrival of OHCHR and then UNMIN, a greater number of UN vehicles were plying the city's roads. UNMIN had taken up residence in half of the expansive International Conference Centre, the other half of which came to be occupied by Nepal's expanded Parliament following the Constituent Assembly elections. My fieldwork began amidst this network of national and international organisations, with those whose work related to conflict victims, human rights, legal reform, peace building and transitional justice.

Over the first months of my fieldwork, the political situation was unstable. The Maoists had pulled out of the Interim Government and the elections had been postponed with no future date set. I had been unsure of the political possibilities and possible implications of a study

on disappearances at this time and so my initial proposal had outlined a more general study of how NGOs were responding to those affected by the conflict and pursuing transitions to peace. To give some time to understand the impact of the ever-changing political scene, and in order to explore the feasibility for a more in-depth study with the families of the disappeared or with other groups affected by the conflict, I attempted to map the array of programmes and activities that were being undertaken in relation to conflict victims more broadly, and the disappeared and their families more specifically. I met human rights lawyers for interviews and briefings, had extended conversations with researchers and staff in NGOs working on human rights issues, and interviewed staff working for the UN's OHCHR and UNMIN. I met with delegates of the ICRC, with embassy officials who had a mandate for human rights, and with commissioners of Nepal's National Human Rights Commission (NHRC) in their offices (Figure 1). I was invited to events to launch research reports about the disappeared where dignitaries, human rights lawyers and 'representatives' of the conflict victims were speakers. I attended workshops on transitional justice mechanisms and victims' rights, and observed "consultations" and group meetings with victims organised by different NGOs. I went to press briefings, public rallies, protest marches and screenings of films about the disappeared.



**Figure 1. NHRC office in Kathmandu.**

Beyond the organisations with a specific remit for human rights or humanitarian monitoring, I met psychologists and counsellors who were working with victims of the conflict in the small but expanding niche of psychosocial and mental health programmes in Nepal, and

interviewed Kathmandu philanthropists who had set up programmes for victims of the conflict. I also encountered an enthusiastic group of student activists who were planning to cycle across the country to raise awareness about disappearances, and other activists who were making documentary films about disappearances. Over the course of my fieldwork I developed longer research relationships with staff working in the national human rights NGOs Advocacy Forum and INSEC; in two international NGOs working on human rights and justice, ICTJ and ICJ; and in the delegations of the ICRC and OHCHR. In several cases my main contacts with these organisations were with staff working in their regional offices in Nepalganj, rather than in Kathmandu.

The first months of fieldwork were bewildering as I struggled (and inevitably failed) to keep up with the frenetic pace of activity, continuously hearing about a meeting that had just happened, or another person with whom I should speak. An interview with a human rights lawyer in a taxi as she rushed between meetings was indicative of the pace at which those who were engaged in human rights work often worked. There was a perpetual moral urgency to human rights work and I was drawn into this energy, eager to learn as much as I could about “the human rights situation”, the proposals for transitional justice, and where ultimately all their work was leading. However, I was left with a disconcerting feeling of disorientation, struggling to find a position from which to make sense of all that was being said and done. Moving amongst this diverse group of people, I was aware of what Tarlo (2003: 17) has described as the “peculiar predicament” of the ethnographer, being able to move between wider varieties of people than most of those we meet. Yet, I soon discovered that this was a ‘field’ in which many other people were also moving between places and through different organisational and political spaces in new ways. In some respects this diversity of actors and fluidity of movement made entry as a researcher relatively easy - few people questioned *why* I was interested in the disappeared. In other ways, it added to my sense of disorientation, especially to begin with, before I was able to distinguish the discourses and purposes of different actors.

Two introductions a few months into my fieldwork, at a meeting of some activists in a small NGO called Sangya, opened closer connections to relatives of the disappeared. The first was with the leader the Maoist Society of the Families of the Disappeared (SOFAD). Over the following months, we met several times in SOFAD’s office on the outskirts of Kathmandu. He introduced me to other members of the association, including some who had become Constituent Assembly members for CPN(M). As well as informing me about the Maoists’

political line, some spoke candidly on a personal level about their disappeared relatives. CPN(M)'s demands for information about the disappeared and for justice, whilst drawing on the language of human rights (*mānab adhikār*), were set in a very different moral framework, which became clearer in interviews and observations of political events. On one occasion, half way through an interview with a Maoist politician, the conversation turned into a political education session intended for my benefit. The Maoists wanted people to know about disappearances, but also wanted to educate people about their campaign (see Chapter Six). It is important to clarify that this thesis provides insights from the edges of the Maoist movement looking in (a position that mirrors many of the relatives I came to know). It differs from ethnographic work focused on the movement, where researchers have been embedded in Maoist villages or with Maoist cadres and have had greater access to the movement. Most of my data is from interviews with party members and from how CPN(M) presented itself publicly in formal speeches and written documents. There were spaces to which I did not have access, including the 'closed meetings' of SOFAD members.

The second introduction was to a journalist whose father had been disappeared. He had become a prominent activist, having established the Committee for Social Justice (CSJ) a support group for the families of the disappeared in his home district of Lamjung. He wrote regular articles in the Nepali and English press about the families of the disappeared and their suffering. His professional status meant that he could circulate with ease amongst national and international human rights professionals unlike most relatives I met, and he also knew the leaders of SOFAD. He was committed to creating an independent platform for relatives of the disappeared to have their "own voice," and was pursuing the development of an independent victims' network, building this from a regional level.<sup>50</sup> We met frequently in Kathmandu and I travelled with him to meet his family and other relatives in his district. On the anniversary of his father's disappearance at the end of 2008, I attended a programme he had organised to demand accountability and justice for the disappeared, which brought together families, politicians and human rights workers. I sat with relatives as they shared their experiences together late into the night after the formal programme was over. It was in such spaces that I learned about the personal experiences of relatives of the disappeared. All of these interactions have informed and shaped this thesis in valuable ways, even though the thesis has focused primarily on families in Bardiya.

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<sup>50</sup> The network he was establishing during the time of my fieldwork has since expanded into a national independent network called NEFAD (the National Network of Families of Disappeared and Missing Nepal), that has links to international organisations working on human rights and justice issues.

Choosing *not* to work through one organisation – be that one of the human rights organisations, the Maoist families’ association, or the emerging independent network of disappeared families – was important in allowing freedom to move between groups, but it inevitably took longer to develop research relationships. It was only through moving between these groups that I came to understand the diversity of perspectives and the multiplicity of discourses that were circulating about the disappeared – as conflict victims, as citizens, as warriors, as family members – and to learn where discourses resonated and where they diverged. The moral framing of the human rights discourse was particularly difficult to step back from; however, this was necessary in order to discern the nuances in how concepts of truth and justice were understood, and to listen more carefully to relatives of the disappeared.

## **Moving to the District**

Bardiya is located in the Mid-Western region of Nepal in the Tarai, bordering India. The northern half of the district is covered by the second largest of Nepal’s national parks in the Tarai, which stretches from the Karnali river in the west, to Banke district in the east, and to the Siwalik hills along the boundary with Surkhet to the north. The national park accounts for almost half of Bardiya’s 2025 square kilometres. The whole district was in earlier times densely forested. Tharu communities have historically lived in the region, due to their high levels of immunity to a virulent form of malaria that was prevalent. This enabled them to live there permanently, whilst others were only able to live there during certain seasons (Whelpton 2005: 14). In the late 1950s and 1960s a malaria eradication campaign across the Tarai opened up Bardiya and other districts to settlement by people from the hills who were attracted to the fertile and well-irrigated lowlands (Figure 2). The Tarai has always been a valuable and strategic area for the rulers of the state. Krauskopff has highlighted that keeping it a wild hinterland was as much a political strategy during certain periods as clearing and repopulating it became during the Panchayat era (1999: 47).<sup>51</sup>

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<sup>51</sup> Related to this, she critiques the notion that the Tharu historically have been the only indigenous population in a densely forested Tarai, noting the many earlier kingdoms and settlements in the region – not least around the time the Buddha is believed to have been born in the central Tarai (Krauskopff 1999: 47). I have not explored whether there is any historical material pre-unification specifically related to earlier settlements in Bardiya.



**Figure 2. Fertile, well-irrigated fields in Bardiya.**

There is considerable linguistic and cultural diversity amongst the groups who now identify as Tharu. Historically ‘Tharu’ was a label used by outsiders for forest-dwellers who lived in the Tarai jungle (Whelpton 2005: 14, 180). Anthropological work on the Tharus in Nepal began in the late 60s and 70s, predominantly with Dangaure Tharus initially and more recently with Chitwan Tharus and Rana Tharus.<sup>52</sup> Anthropologists have studied how Tharu identity has developed at different stages in relation to both caste and separate *janaajāti* status; and how activism by elite Tharus, mainly in the east, and by those campaigning against the exploitation of Tharus working as *kamaiyā*, mainly in the west, have influenced the relatively recent development of a pan-Tharu identity across disparate groups (see Guneratne 2002; Krauskopff 1995, 2008, 2011).<sup>53</sup> In Bardiya, Tharus belong primarily to

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<sup>52</sup> Krauskopff’s detailed review of anthropological and other scholarship on the Tharus also identified brief colonial references and early Indian anthropological work on the Rana Tharus in India (1995).

<sup>53</sup> *Kamaiyā* are those working in a form of bonded labour. There are several articles with details on historical changes in *kamaiyā* practice and well as those about the *kamaiyā* movement (see Rankin 1999; Chettri 2005; Fujikura 2001, 2007; Cheria et al. 2005).



two sub-groups: the Dangaura, whose origins are in the Dang valley; and Desauriya, who were locally considered to have been originally from the Bardiya area. Krauskopff's view is that the Desauriya Tharu may well have arrived in Bardiya in an earlier wave of migration from Dang, as culturally they are very similar to the Dangaura Tharu (1995: 187-88). She also noted that they regularly intermarry, unlike with other subgroups.<sup>54</sup> During my fieldwork, the overall Tharu group identity was emphasised more than these sub-groups.

The most recent census data indicates that Bardiya has a population of 426,576 in 83,176 households.<sup>55</sup> The largest ethnic group are the Tharu (53%), followed by Chetri (11%) and hill Brahmin (9%) castes, with 26 other caste or ethnic groups having a population above 500 people.<sup>56</sup> Almost 95 per cent of the population classified themselves as Hindu, just over two and a half per cent as Muslim, and just over two per cent as Christian. The Tharu's traditional religion is widely practised and, with degrees of syncretism, has long coexisted with Hinduism. There has been detailed anthropological work on rituals and religion amongst the Dangaura Tharu in Dang with descriptions provided by Rajaure (1982a, 1982b); analysis of religion's link with land and territory locally and in the wider Hindu state by Krauskopff (e.g. 1989); and analysis of ritual in the context of kinship and social structure by McDonough (1989, 2000). Traditionally the *badghar* (the village leader) and the *guruwā* (the priest/healer) have been at the centre of social relations in Tharu villages. During my fieldwork there were cases of the *badghar* mediating disputes between family members when households had separated. Some people had sought the help of *badghars* when they were searching for their relatives immediately after they had disappeared. Others had consulted *guruwās* for their insights in trying to determine the whereabouts and the fate of their relatives.

The vast majority of the population of Bardiya live in rural areas and most have livelihoods based on the land. Others are engaged in business, trade, professions, NGO work, and economic migration to India (and beyond) for work is also common. Gulariya, the district headquarters, is a small town where the district government offices, the district police

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<sup>54</sup> A recent linguistic survey found a 76% lexical similarity between Dangaura and Desauriya, and relatively high rates of intelligibility of Dangaura by Desauriya speakers (Eichentopf and Mitchell 2012).

<sup>55</sup> All figures in this paragraph are from the 2011 census (Central Bureau of Statistics 2012, 2013). I have chosen to use these rather than data from the 2001 census as they are likely to be more accurate to my fieldwork period.

<sup>56</sup> Tharus are the second largest of Nepal's ethnically classified groups, accounting for 6.6 per cent of the total population.

station, the small district hospital and district court are located. An APF base was also established there during the war. The town is reached most easily by road from Nepalganj in Banke, but can also be reached by smaller connecting roads from the Mahendra Highway that runs across the middle of the district. RNA soldiers had been present in the district before the war patrolling the National Park from three posts on the parks boundaries. During the war these became bases for army battalions and companies: Thakudwara Barracks, Rambhampur Post, and Chisapani barracks (see map, Annex Three). It is believed that most people who disappeared in the district were taken first to these RNA bases.

Bardiya had the highest number of disappearances of any district during the war. Between December 2001 and January 2003, when the state of emergency was imposed for the first time, 190 people were disappeared in Bardiya – 186 of these by state security forces and four by the Maoists (OHCHR 2008: Annex 1). Over the whole war at least 212 people were disappeared by state security forces and 19 by the Maoists in the district (ibid.; see also Annex Two).<sup>57</sup> In part, the higher number of disappearances in the district is likely to have been due to the tactical advantage the RNA had in the Tarai, where they were able to move quickly in and out of areas (Cowan: 2010: 91). However, this does not fully explain why this particular Tarai district was targeted or account for the fact that a disproportionately high number of those who disappeared in the district belonged to the Tharu community, 85 per cent of the cases investigated by OHCHR (2008: 6). As the numbers of disappearances in Bardiya became apparent, it received considerable attention from both national and international human rights and humanitarian organisations (see Chapter Five).

My main periods of research in Bardiya were between January and July 2009.<sup>58</sup> Having shifted to the district, the struggle to make sense of the diverse activity in Kathmandu did not instantly resolve. The victims' association itself was a key node for programmes and activities relating to the disappeared that were run by several other organisations. However, from the district it became easier to observe programmes with the disappeared directly and witness how relatives of the disappeared were responding. I began to spend much more time with families of the disappeared. Crucially, in terms of methodological approach, I shifted from following 'the disappeared' as a generalised, abstracted entity at the centre of

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<sup>57</sup> When questioned about disappearances in Bardiya, CPN(M) representatives admitted that the party had killed the people they were accused of disappearing, except in a small number of cases where they denied involvement (OHCHR 2008). They did not disclose the whereabouts of these people's bodies.

<sup>58</sup> I first visited Bardiya in March 2008, meeting with staff in the victims' association office and in the local branch of a national human rights NGO. I made a second exploratory visit to the district in June 2008, when I visited the Rajapur delta.



programmes and activities; to tracing the disappeared in the lives of their families, observing how their absence and loss continued to be experienced by their relatives.

A guest house in Gulariya became my base. It turned out to be a more useful fieldwork site than I had anticipated, being both a hub of local activity, as well as a key site of interaction for people visiting from outside of the district. It was used by NGOs to host training programmes; by local civil society and political leaders to meet and drink tea; and by NGO staff and officials from Kathmandu on monitoring or training visits. On more than one occasion the conflict victims' association used it for extended programmes and meetings, their own office not having capacity for larger gatherings. It was opposite the local CPN(M) office and in easy walking distance of the DAO, located on the other side of the small town. Protests regularly gathered in an open common area shaded by trees beside the fields to the back of the guest house, and one of the main gathering points for protest speeches was at a junction just a hundred metres down the road. In contrast to my experience in Kathmandu, I suddenly found myself at the centre of activities in this small district town, where it became impossible *not* to hear about what was going on.

On the outskirts of the town, set back from the road, the small office of the victims' association was shielded from view by a row of banana trees. Bicycles were regularly propped up in the shade beneath them. During the time I was there, the victims' associations' project funding had finished and the NGO programmes it had been running were being concluded. Nevertheless, their small office continued to be a hub of activity both for families of the disappeared and other conflict victims in the district. It also continued to be a liaison point for other NGOs whose programmes were with conflict victims. The victims' association was in the process of applying for new project funding, at the same time as continuing with their own campaigns and activities. I observed meetings, attended their AGM, participated in workshops that were held in partnership with other NGOs, and was present at their public protests. The staff assisted me substantially, explaining the history and work of the victims' association. Each one of the staff had relatives who had disappeared and their guidance and orientation were invaluable in guiding my approach to the research with families. The president of the victims' association played a central role in coordinating with other agencies, and was frequently at meetings with human rights NGOs, often travelling outside the district. Another staff member coordinated the organisation's programmes with families in different VDCs and I frequently travelled with him to meet families and attend meetings in different parts of the district.

Other than with the victims' association and families, the person I met with most regularly was Suresh, a lawyer working at the local branch office of one of Nepal's largest human rights organisations. We discussed legal and political developments about disappearances at a national level, and I often enquired about specific details facing families in the district. I observed some of his meetings with families who dropped in at his office. Suresh lived and worked in the office and his commitment to his work and to supporting the families extended well beyond the hours of his NGO job. He attended meetings of the victims' association, sometimes staying as discussions continued late into the night. He was from a neighbouring district and could understand some Tharu, although he himself was from an upper-caste Hindu family. He had taken on the role of a mentor to the families and was well respected by them. He was also well connected with people in the local establishment, including the DAO.<sup>59</sup>

I spoke with relatives of the disappeared from over 40 families in the district, meeting with wives, sisters, mothers, sons, daughters, husbands, fathers and brothers of people who had disappeared. More of my conversations were with women, who were most often the wives of those who had disappeared. I often met families at their homes, usually accompanied by a staff member from the victims' association. At other times we met during meetings and activities in the district headquarters. Most of the families I came to know (around 70 per cent) were Tharu and others were from Chetri, Bahun, Thakuri and Dalit castes.<sup>60</sup> Meeting with relatives in their homes and the spaces of their everyday lives (Figure 3), was where I learned most about what it meant to live with the disappearance of a family member. As my fieldwork progressed, I stayed more frequently with Mohan's family. It was my relationships with them that offered more intimate insights into what it meant to live with the pain and uncertain loss of a disappeared relative.

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<sup>59</sup> Tate has observed that for many human rights workers their work is not only a job but a vocation (2007: 27). This was particularly clear for human rights workers like Suresh in the district and for others I met in the regional town and in Kathmandu. Several had taken personal risks to document cases and file *habeas corpus* petitions with the court during the conflict.

<sup>60</sup> The Tharu families were from both Dangaura and Desauriya subgroups although these distinctions were not regularly made.



**Figure 3. A family living space in Bardiya.**

Over the course of the research, I traversed the boundaries of various identities, including student, potential advocate, friend, confidante, and, amongst families I came to know more closely, *didī/bahinī* (elder/younger sister) or *chorī* (daughter). My research relationships changed over time, as did people's expectations of me. During the later stages of my fieldwork, I was asked for briefings by an international peace building organisation, a newly arrived human rights campaigner and a visiting British government official. These presented important moments of reflection and were reminders of my entangled engagement with the field. I took as an underlying ethical guide the expectations of the relatives of the disappeared that I would tell others about the issues they were facing, and help others to recognise the pain they were continuing to suffer.

With regards to language, I worked both in Nepali and English during fieldwork in Kathmandu. I had taken further Nepali language tuition over the first six months of my fieldwork; however, some aspects of the language, including a comprehensive understanding

of political speeches and detailed written material, remained difficult. During the second half of my fieldwork I worked with a research assistant, Bijay Chettri, a masters student of anthropology, who assisted me with interpretation, and with reviewing and translating written materials. He worked with me for a little over half of the time in Bardiya and in some later interviews in Kathmandu. Bijay's dedication, sensitivity and enthusiasm for anthropological research brought much to this study and conversations with him gave valuable spaces for reflection during fieldwork. In Bardiya, a staff member of the victims' association worked closely with me. As well as sharing local knowledge and providing guidance to Tharu culture, he translated from Tharu to Nepali, in conversations with those who were more comfortable speaking Tharu, which was particularly the case amongst older people and some women.<sup>61</sup> I took notes mainly in English, but noted key Nepali (and sometimes) Tharu terms. Several interviews and some public speeches were recorded which gave the opportunity to re-check details. I gathered different kinds of written materials, including NGO research reports, newspaper articles, government documents, press releases and memorandums; and traced the use of visual materials, including posters and photographs. In addition, a small number of songs and poems were shared with me.

There are important exclusions to this study. I made no attempt to contact the state security forces, although I did have short unplanned exchanges with members of the army and police over the course of the research.<sup>62</sup> Research with the security forces could have offered a broader understanding of disappearances, the extent to which these were directed from a central level and the extent to which other factors played a part.<sup>63</sup> During the time of my fieldwork, whilst the ICRC and human rights organisations were pursuing information from the security forces for investigative purposes in Nepal, it was critical not to confuse or jeopardise this. Whilst I had contact with various victims' groups, I did not meet with the Maoist Victims' Association, a group of victims of Maoist violence. Although victims of the Maoists included some who disappeared, the Association's campaigning focused primarily

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<sup>61</sup> Although he was effectively taking the role of a research assistant or partner, he preferred for it not to be formalised in this way. For various reasons he perceived it as a wider responsibility and duty both personally and professionally. I am deeply indebted to him and this research would not have been nearly so rich without him.

<sup>62</sup> One insightful discussion occurred in a public jeep with an RNA staff member who had worked at a barracks which had co-ordinated actions in the western Tarai during the conflict.

<sup>63</sup> Anthropological studies in other contexts have demonstrated that research with state security forces is possible, for example Schirmir's work with the Guatemalan army following disappearances in that country (1998), and Jauregui's work with the police, considering violence and the state in northern Indian (2010).

on issues of displacement and return of property appropriated by the Maoists.<sup>64</sup> I did, however, meet with relatives of those who had been disappeared by the Maoists.

## Listening to Uncertain Loss

Skultans has suggested that victims of violence perpetrated by the state can face particular difficulties finding narrative forms in which to recount their experiences, because one of the effects of violence can be to destroy conventional narrative possibilities by disrupting access to shared temporal and moral frameworks (1998: xi-xii). In Nepal, families were offered new moral frameworks for their narratives by human rights organisations and by the Maoists, and alternative public spaces for articulating experiences of loss. That such narratives have been available so soon after the end of the conflict contrasts with the silence that has surrounded disappearances for years and sometimes decades in other countries (e.g. Renshaw 2010). Yet, the availability of these narratives in Nepal, has to some extent made distinguishing relatives' voices a more complicated process.

In her work on the South African TRC, Ross (2003: 102) reminds us:

...stories, testimonies and telling are fragments, parts of people's narration of their lives. They are particular instances, synopses of experience, told at given times for specific audiences and located in distinct spatial and temporal contexts.

The accounts and experiences that people shared with me varied greatly depending on where we were, who else was present, and the extent to which trust and empathy had developed between us. My role in receiving or eliciting these stories also changed over time as I came to know people. Relatives in the district had been interviewed by human rights organisations, often on more than one occasion, and initially much of what they shared was influenced by the forms of these narratives and sometimes by similar expectations of my role. Renegotiating expectations of my role and working to establish a different relationship was an important process. Most people remained eager to speak, even when they knew I was not in a position to pursue investigations, but was interested in listening to their experiences. There was an understanding, that I would write and could witness their stories. Some shared more extended life histories with details of their personal and community history, giving me insight into complex social relations. Others spoke of their more immediate struggles and needs, or about their engagement with the victims' association.

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<sup>64</sup> The divisions in focus in victims' organisations such as the Maoist Victims' Association and SOFAD exemplified how victimhood had become politicised in the aftermath of the conflict.

Listening involved both recognising the ways in which different narrative forms shaped people's accounts, and also listening for where all narratives failed. For a small number of people I met, the trauma of the disappearance of their relative had disturbed their experience of life so severely they had become trapped in their experiences of pain. One person in this position was Ama, Mohan's mother. Although I never spoke with Ama directly about her husband's disappearance, she knew that my research work was related to the disappeared and she sometimes chose to speak to me. Our encounters were both personally and professionally amongst the most challenging of the research, but offered critical insights into issues facing relatives of the disappeared. It was in this relationship that I was reminded most acutely that I was not only an observer, but was already engaged in these families' lives.

Malkki (1997: 96) has discussed the ethnographic roles of investigator and witness and their "modes of anthropological knowledge production," proposing that these are based in "different modalities of ethnographic authority." This has been a helpful distinction in reflecting on the roles I took during fieldwork. With human rights organisations and the Maoists my role was primarily investigative, in many ways mirroring their roles in relation to the disappeared. I was eager to discover as much as I could and to clarify the details so that I might put together as clear a picture as possible of what was happening. However, when listening to the experiences of the relatives of the disappeared, who were continuing to live with and suffer from the effects of disappearances, my role became that of a witness, receiving their narratives and holding space for their silences. Listening involved a different kind of attentiveness that enabled acknowledgement of experiences. It took time to learn how to hold back from the urge to grasp for details that might fill the gaps in my understanding, and instead to wait for meaning to be revealed (or not) over time. Others have recognised that such listening accepts that "there will always be things that lie beyond our knowledge and comprehension," but is willing "to follow where we are led – through the stories, through the silences" (Andrews 2007: 40; see also Angel-Ajani 2006). In an ethnographic context characterised by uncertainties, partial knowledge and ongoing ambiguities, this became particularly important. If one tried to probe the edges, to push towards clarity, the picture became distorted. Yet, it was important to listen for the parameters of uncertainties and for how ambiguities were articulated.

Experiences of fieldwork and of writing this thesis have at times been deeply unsettling and distressing as a researcher. In his reflective article 'Trauma, Absence, Loss', historian

Dominick LaCapra has argued that such unsettlement is necessary when we research such topics: “the response of even secondary witnesses [...] to traumatic events must involve empathic unsettlement” (1999: 699). There is a balance required in order to pursue empathic attentiveness, allowing ourselves to be unsettled, whilst avoiding the “post-traumatic response” from constraining our analysis (1999: 699, 723). This is not an easy balance to find and LaCapra has described a process of “working through,” as we fluctuate between disengagement from those whose stories we write, and being overwhelmed by their pain and the horror of what they have faced. During the writing process I sometimes felt numb, unable to write or to process the emotions that re-reading my field-notes had evoked. Fieldwork encounters, had focused on listening: concentrating on the details of language translation and on engagement with the people around me. As I read through fieldnotes and listened to recordings of interviews at my desk, away from the intensity of the encounter, my emotions jostled for space. I would feel for a moment a pain that seemed to match what needed to be expressed more accurately than the sentences I was struggling to form.

If we can recognise the problems both of limiting empathy, and of an excess of empathic unsettlement that overly identifies with the victims, between these two lies the possibility for analysis that is neither wholly about fragments and the aporias of trauma, nor wholly about definitive closures and certainties (see LaCapra 1999: 717). LaCapra suggests that focusing on the specificities of particular losses is important for researchers as well as for victims, as a way of “working through.” Our methodological approach as anthropologists privileges the particular. Das and Kleinman have suggested that ethnography is better placed than other forms of writing to deal with some of these challenges; based in long-term interactions with communities it can illuminate the complexities that contain paradoxes and unfinished stories, openings rather than endings (2001:26). One way I have attempted to respond to the problems of writing about ambiguity in relation to the disappeared, has been to describe the particular social effects and political implications of disappearances as these were experienced by relatives.

Writing about the disappeared in Nepal has involved navigating diverse moral frameworks. Warren has suggested that the strength of anthropology in transitional and unstable contexts is in being able to “stand back and understand conflicting rationalities” (2002: 392). Through drawing together in this thesis ethnography of human rights work on disappearances, the Maoist movement’s approaches to the disappeared, the Government and state functionaries’ responses, and the personal and collective responses of relatives of the disappeared, I hope to

offer an opening into understanding their differing moral frameworks and conflicting rationalities. Writing during the time of the conflict in Nepal, Pettigrew et al. observed that in contexts where representations are highly politicised, we inevitably become complicit as soon as we begin to write (2004). We can stand back and question, we can attempt to deconstruct the politics of representations, but we cannot step completely out of the frame. It is not possible to extricate ourselves from the political or avoid using the same vocabulary in our analyses (Spencer 2007: 184). Even when we choose to focus on the voices of those who have suffered, Ramphela (1997: 101) observes that: “[t]he acknowledgement of the pain and loss of social actors is a profoundly political act.”

To write about families’ experiences of disappearances has been to write about lives that have been violently interrupted. The lives of those who have disappeared cannot be woven back into the narrative of family life or family histories. Writing *within* these uncertainties has involved traversing the boundaries of what is known and what is not known. It has meant listening to silences as much as to words, trying to trace the fragile intersections of hope and despair, absence and presence, truth and denial. I had to learn to listen in a different way to apparent contradictions. There were moments where questioning and attempting to clarify the facts further would have been to dangerously miss the point. People were living *within* the ambiguities and uncertainties of their relatives’ disappearances, unable to say for sure whether they were alive or dead, facing despair but often trying to hold on to hope. Language did not provide clearly enough for this condition of uncertainty and so contradictions became inevitable.

Anthropologists, who have worked with relatives of the disappeared in other countries, have recognised that the ambiguity about whether the disappeared person is alive or dead unsettles narratives (e.g. Zur 1998: 213). In the course of conversations, relatives I spoke with frequently referred to the disappeared person both as if s/he was alive and as if s/he was dead (cf. Zur 1998: 207). Hopes and fears about the fate of the disappeared influenced their utterances at different moments as they spoke about their experiences, their beliefs and their feelings about those who had disappeared, traversing the different edges of this space of uncertainty. The emphasis varied from person to person, some people more insistently expressing that they still believed or hoped that their relative was still alive, and others more frequently indicating subtly that they did not believe their relative would return. It also varied significantly with context and audience: statements or feelings that could be expressed personally, or with others who shared the same experiences, could not be voiced in a more



public context. An utterance that recounted imagining a person's return could be said in such a way that it suggested more an echo of a dream, than a literal hope that the person might return. At other times an emphatic statement that a woman did not know whether her husband was alive or dead was spoken as a demand for further information, even if she had already taken actions based on the assumption that he was dead. It was important to hear these as contradictions which were entirely reflective of the experience of living with the uncertain loss of a disappeared relative. There is no coherence or conclusion to their narratives and relatives deal with this as they are able.

Anthropologists try to craft words to clarify analysis and interpretations. Ambiguity and uncertainty confuses this process. Yet, Mertz (2002: 363) has suggested we need to find ways to "confront" ambiguity and uncertainty in our ethnographic accounts, if we are to accurately reflect lived realities in contexts of political flux and violence. In this fieldwork, confronting ambiguity was not a conscious methodological or ethical choice: ambiguity presented itself at the very centre of what I had chosen to study, in the fragile space between the uncertain lives and uncertain deaths of the disappeared. It has been unsettling to write in a context where this ambiguity was being manipulated for political ends, and when for many families the ambiguity over their relatives' fate still held such a potent and unsettling mix of despair and hope. The ground from which we write becomes uncertain and the ethical response has not always been clear. Re-reading human rights reports at the end of fieldwork, I realised that some of the case studies documenting horrendous torture and probable death in RNA barracks and by the Maoists, involved relatives of people I had come to know. I recalled moments in conversations with relatives when I had become aware of silences where the boundary of the sayable had been reached. If I could, I would have written these silences into this thesis. These silences represent the limits of this ethnography, and yet paradoxically are also at its very centre.

### Chapter 3. Living with Loss: Disappearance in the Family

He was a head sir [head teacher] you know. He was sitting as close to me as this as we ate food that morning and that evening he did not come back... (Ama, wife of a disappeared man, July 2009)

We left the bicycles leaning against the animal shed and passed through the low doorway into the inviting cool of a traditional, airy Tharu house. We had arrived at Mohan's family home.<sup>65</sup> That evening we sat outside in the fading light whilst the evening meal was being prepared by Mohan's sister-in-law. Mohan brought out a laptop computer to show us some photographs. Amongst the folders of photographs taken at the victims' association's recent protests and meetings, was a folder with digital copies of older prints. There was a black and white photograph, a head and shoulders shot of two young men that looked like it had been taken in a photo studio. Small crease lines and marks where the surface had ruptured told of its age, but Mohan's father's face was clear. His expression was more relaxed than that of the relative who stood next to him; he looked quietly assured as he stared into the lens. The contrast of the photograph emphasised his jet black hair and the white shirt he wore. A pen was clipped neatly to his breast pocket, signalling his educated status. Mohan clicked on to some coloured photographs of his father at different meetings and events taken several years later. These showed an older man wearing glasses, confidently conducting affairs. Amongst these images was a posed photograph where his father stood amongst a group of other men. I asked Mohan who these people were and he explained that this was the *Gochāli* committee, a Tharu cultural organisation that promoted literacy, which his father had helped to establish. Five of these *Gochāli* committee members had been disappeared.

Mohan moved on through other photographs until he came to an image of his mother, Ama.<sup>66</sup> She looked tall and elegant and was dressed in a sari rather than the everyday clothes that the women of the family wore at home, or the traditional Tharu dress they wore for celebrations. Ama had also been an active leader in the community, both as a regional member of the Tharu NGO, BASE (Backward Society Education), and as a ward chairperson, the only woman in the district to hold the position at the time. After her husband disappeared she had never fully recovered, Mohan explained sadly. She had lost her mental

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<sup>65</sup> On that occasion and on around half of my visits to the family home, Bijay, was also present. Where I refer to 'we' and 'us' in interactions with the family, I refer to Bijay and myself.

<sup>66</sup> Ama (*āmā*) is the Nepali word for mother. It was the term her sons used in speaking of her with me and I used it when addressing her, only realising later my clumsy blunder as I noticed her slight amusement. By using the Nepali word rather than, *dāi*, the Tharu word for mother, I was using an unusual rather than familiar term of address for her.

capacities (*dimāg haraiyo*) and been forced to step back from these public positions. Over the following months as I spent more time with the family, I came to recognise small details in my interactions with Ama that hinted at these public roles she had once played; in particular, the ease with which she spoke to me in Nepali, compared with her daughters-in-law who were much less confident outside their mother tongue. Yet, with her husband's disappearance, she had become overcome by a grief that she struggled to bear.

As Mohan had shown me the photographs that evening, he began to share the stories of his family that lay behind the images. Through the course of many conversations and interactions with Mohan's family, I came to learn more about his father and to recognise some of the ways in which his disappearance had shaped their lives and continued to affect them. I had seen photographs of the disappeared on the walls of different offices and in human rights reports, but in these contexts they had remained static, distanced from their personal histories and their families. As the focus moves away from specific histories and the disappeared become absorbed into the discourses of victimhood or political sacrifice, the identities of people who have disappeared and the experiences of their families fade. It is for this reason that this thesis begins with the personal accounts of this one family.

The first part of this chapter is drawn from conversations and longer interviews with Mohan and his brothers. It describes their father, the family history and the events surrounding their father's disappearance. The brothers situated their accounts within descriptions of the socio-historical and political context of their community, but each also spoke of his particular experiences and relationship with their father. I have ordered their narratives into a chronological sequence, beginning with one brother's account and allowing the other brothers' accounts to offer additional details. Although the brothers' narratives sought to explain why it might be that their father was disappeared, they drew attention as much to uncertainties and unanswered questions.

The second part of the chapter widens the focus from the event of their father's disappearance, to trace the ongoing reverberations of his loss in the lives of the family. It focuses particularly on Ama, the mother of the family. She spoke in a very different way to her sons, repeatedly declaring her pain. Her voice drew attention not only to that which can be contained within a narrative, but demanded that we witness something more visceral: her experiences of sorrow, of haunting absence and of unresolved grief. The pain of living with

loss was evident not only as it was expressed in her words, but also in the ways it had shaped her experiences and understandings of her self.

Some details of Mohan's father's disappearance were common to other accounts of disappearances in the district: the style of army raids; the precarious relationships with landlords and the state because of the history of the Tharu communities' struggle over land; the links between landlords and the army; and the environment of heightened suspicion created during the conflict. However, other details were more specific to this family, for example, Mohan's father's long-term involvement in the Tharu cultural organisation *Gochāli*, his previous arrests because of the political challenge this organisation was seen to pose, and the severe long-term emotional trauma that his repeated arrests and disappearance have triggered for Mohan's mother. The fact that one son had witnessed seeing his father in army detention, was also unusual. Most families have not seen their relatives since they were taken. I present this family's accounts in all their particulars, because it is only through the details that we can learn about the people who disappeared; and witness how their families live with the sorrow, uncertainty and pain of their absence.

## **Family History**

I had first met Mohan's brother, Basudev, in the district town some months earlier whilst observing a protest about land rights. He had stood at the side of the street looking on and I approached him to ask what was happening. As we sat on the veranda of his house that morning, he told me about his family history and I came to understand why he felt so strongly about land rights. He explained clearly how integral land relations were to the political and social history of the district, and how they entered into the story of his father's disappearance.

Basudev was the eldest son and had been born in the family's ancestral district of Dang. In previous generations the family had had more than enough land to farm, but by the time Basudev's father was a child they were struggling and had begun to face harassment from new landlords. Basudev described how his family had been forced to leave their home: "All the land, our house where we stayed and the fields where we farmed, the landlord (*jamindār*) put all of this in his own name." He blamed their exploitation on his grandparents' generation's lack of education, which had placed them at a disadvantage in relation to the landlords from communities of high-caste Pahari (hill people):

The people who were educated were the Bahuns and Chetris. They were able to put land in their own name and after that to put workers (*kamāiya*) in their homes to work their land. [...] Before this, in our caste we had worked and managed our livelihoods by our own labour. Then later we became victims.

Basudev's description of their exploitation drew on Marxist rhetoric: "There are two sides in society, those who are exploiters and those who are exploited; those who eat by working and those who eat by making others work." His use of this rhetoric reflects the early radical discourse of *Gochāli* (see McDonaugh (1989) and further descriptions below).

Many Tharus in western Nepal were displaced by more educated Paharis who were able to engage with state authorities to obtain the critical land registration documents. The high-caste Paharis had arrived in Dang in large numbers after the malaria eradication programme. The 1964 Land Reform Act had, in theory, intended to provide more rights to tenants and enforce a land ownership ceiling (see Whelpton 2005: 141-2). In fact, it did little to help families like Basudev's, as the majority of Tharus in the district were unregistered tenants. Instead it provided an opportunity for immigrant Pahari households to register land in their names (McDonaugh 1997: 281).<sup>67</sup> Rankin describes how resettlement programmes, which were intended for impoverished hill people, had instead been dominated by elites with political connections to the Panchayat regime who had interests in establishing second farms (1999: 35). Because they did not have close relations with the local Tharu people, these landlords set up more exploitative forms of labour contracts than Tharu landlords. Tharu families from Dang began migrating in particularly high numbers to districts further west, in the late 1960s and early 1970s (see Krauskopff 2008: 218; Krauskopff 2011; McDonaugh 1997: 282; 1999: 226).

Basudev's father was the youngest of five brothers and the only member of the family who had had the opportunity to go to school. He had been a talented student and was one of only three Tharu students in the district to pass the School Leaving Certificate the year that he took the exam. During the time that he was studying, he had lodged with a man who was engaged with communist politics. He had become very interested in these new ideas and the analysis they offered about the causes of his community's exploitation. As he became more educated, he had become more aware of the need to promote education for everyone within their community. He had begun teaching whilst he was still a student, beginning a lifelong

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<sup>67</sup> See Caplan (1970) for a detailed comparative account in eastern Nepal.

vocation to promote literacy in his community as a means for empowerment. He went on to pursue this both through formal teaching and through community organising.

In the early 1970s, Basudev's father was one of a group of six people who set up the cultural organisation called *Gochāli*, which focused on the 'upliftment' of their community through promoting literacy.<sup>68</sup> They began a Tharu language publication, also called *Gochāli*, which grew quickly in popularity after the first edition was published in 1972. Fearing its influence, the Panchayat regime had made moves to shut it down whilst the second volume was being prepared. Basudev explained:

In Dang, Banke, Bardiya, Kailali, Kanchanpur, wherever there were Tharu huts, or Tharu areas in Nepal [...], the exploiters - the rich people - felt threatened by *Gochāli* and opposed it. The Government thought it was a bad example and tried to ban it. They used force to shut it down. Those who were involved with writing and producing it were arrested and sent to jail. But as much as the Government tried to stop people seeing it, it became even more popular.

The early development of *Gochāli*, referred to in some accounts as "the association for the improvement of Tharu language and literacy in the west of Nepal", has been mentioned in ethnographic work in Dang in the late 1970s by McDonaugh (1989; 1997; 1999) and in the early 1980s by Krauskopff (2008). McDonaugh notes that it seemed to have had mixed aims of cultural reform and political struggle against exploitation by landlords, but that its radical political aims had rapidly been suppressed by the Panchayat regime (1989: 200; 1997: 276-7). Krauskopff has stated, "[t]he period following Land Reform seems to have generated considerable political awareness," and she suggests that the development of *Gochāli* may have been a specific reaction to the state's Land Reform programme (2008: 217).

Basudev's father was one of those who were arrested for their involvement in *Gochāli*. He had been distributing *Gochāli* magazines in another district at the time of his arrest and was jailed there for one year. This had been a particularly difficult time for Ama, who had been left alone as a young mother. Another of her sons later told me that she had faced a lot of harassment from people saying derogatory things about her husband. She had become angry and had even thrown away some of his things. The family had been unable to visit him in jail because it was so far away, and so relied on others who had visited him and were able to bring them news. After his release, Basudev's father had returned to the family and had immediately resumed his work for *Gochāli*.

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<sup>68</sup> *Gochāli* means 'friend' in Tharu, and is used specifically to describe friendship bonds between men (Dahit 1997: 123 and Krauskopff 2008: 216).

It was also at this time, in the early 1970s, that their land problems finally compelled the extended family to leave their ancestral district. They moved first to stay with a Tharu landlord in a neighbouring district. Whilst living and working there, they heard that the Government had started a programme in Bardiya, distributing resettlement land to people who had been displaced. Basudev recounted how they had responded to this opportunity eagerly: “In order to build our lives and find a good, secure place, we [came to] Bardiya.” The news about the resettlement programme had raised their hopes that they may find a place to build a new home. However, when they arrived they discovered that they were too late to qualify for the land distribution. Instead with no home and no connections, the family faced a trying, insecure period of landlessness:

At that time our family was really suffering. One day we would build a house and the next day the police would come and burn it down. So our family had to live, just like that, at the side of a tree.

Mohan had also spoken about the harassment their family had faced. He acknowledged how painful it was to remember how they had lived, and spoke of the shame he felt when he thought about that time. During this difficult period, it was his mother who had been able to show strength and stand up to the police. On one occasion, when the police had come to destroy their huts, all the men had run away. She had remained with her children and had shouted at the police, demanding to know why they had come when there were only women and children there. She had managed to save some of the family's huts. Mohan was proud of the strength she had been able to show at this time.

Basudev spoke of another incident during their early years in Bardiya. His father had been ploughing in an area they had started to cultivate and had fallen into a dispute with a forest guard. The forest guard had started to beat his father and made him stop ploughing the land. Laughing at the memory, Basudev described how he had watched his father take a piece of wood from the plough and start fighting back, hitting the forest guard on the head. He then witnessed another guard, who had been watching from the other side of the river, come to assist the first guard and take his father away. He had been too young to intervene and help his father. Attacking a representative of the state at that time was a serious offence. It was their mother, again, who had taken control of the situation and contacted the ward secretary to ask him to mediate with the authorities to have her husband released. The family had had to pay a heavy fine in compensation and agree to stop ploughing that piece of land. In addition, they had had to pay a live cockerel to the mediator for his services. These accounts

of harsh treatment by state security forces, and the moments when their parents showed resistance to this aggression, were important memories that punctuated the brothers' recollections of this difficult period.

After some time, the family's circumstances began to improve. A fortuitous encounter occurred when one of their uncles was grazing buffalo. He met some local people who had told him about an empty house near where they lived. It was not on government land and was situated where they would not be troubled by the forest guards or police. This had led the family to the area where they were eventually able to settle. Basudev explained that his father had managed to build positive relationships with the local people because he was educated. Most significantly, he had been able to build a good relationship with the landlord who lived in a neighbouring village:

The landlord called our father, and asked him to establish a school to teach his children. They made a small place by the side of the *pīpal* tree in front of the landlord's house.<sup>69</sup> In this way we were able to build a strong, close relationship with the landlord and he did not try to chase us away. He liked us, and in that way this place became a secure place for us to stay.

Basudev and his brothers had grown up studying in the same classes with the landlord's sons, and sometimes visited the landlord's house. His brother Jagat had been particularly good friends with one of the landlord's sons and was a favourite with the landlord. The landlord had often sent gifts of fruits and different kinds of food to his father to maintain their relationship. The opportunity to build a different kind of relationship with this landlord enabled them to avoid the exploitation they had faced from landlords in Dang. Their father's education also helped to mitigate the exploitation of others in the community, as he was able to advise other villagers on their work contracts.

The school their father started was established in 1974. Mohan remembered that in the beginning local farmers had paid school fees in salt, chillies and rice. Over time, by setting some of the fees aside, his father had eventually saved enough to buy the family one *bighā* of land.<sup>70</sup> The school that had started in a small hut grew in size and became registered as a government school. Their father remained committed to his vocation and in 2053 B.S. (1996/7) the District Education Office awarded him the prize for best teacher in the district. As a result of all these factors the family's situation had greatly improved. Unfortunately

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<sup>69</sup> *Pīpal* (*ficus religiosa*) trees are considered sacred amongst Hindu and Buddhist communities in South Asia, and are often central landmarks of villages in Nepal.

<sup>70</sup> One *bighā* is approximately 0.68 hectares.



things were soon to change completely, as the Maoist political movement took hold in the district.

## Arrests and Their Father's Disappearance

When the People's War began in 1996 the family's relationship with the landlord began to deteriorate. The Maoists started to take action against landlords in their area, and the landlord with whom they had built a good relationship was one of those targeted. This landlord had been the *pradhan pancha* (leader of the local Panchayat Council) during the Panchayat regime and his family were very rich and well connected. They had relatives in both the police and the army, including one relative in a senior position at a nearby army barracks, and were said to have links to the royal family. The Maoists began a series of attacks against this landlord, initially focused on night raids to destroy crops as a means of instilling fear in the landlord's family, and demonstrating to everyone their presence in the district. Basudev explained that the landlord began to suspect and accuse his father of being behind these actions, because he was educated and was able to organise people. The landlord had a relative who lived close to the family's village and they believed that this relative had been giving 'false' reports against their father. As experiences of violence increased, the trust and respect that had developed between their family and the landlord's family was placed under immense strain, and ultimately was not able to withstand the increasing suspicion. The breakdown of trust in this critical relationship was a key factor in the events that led to Basudev's father's disappearance. Throughout the district, violence polarised class identities that largely ran along ethnic lines.<sup>71</sup>

In 1998, during the Kilo Sierra II police campaign, the landlord's reports to the security forces led to the arrest of Basudev and his father by the police. Kilo Sierra II was a particularly brutal police counter-insurgency operation that increased support for the Maoists in the districts which were subjected to its violence (Hachhethu 2004: 60; ICG 2010: 7; Thapa 2001: 13). As he spoke about this time, Basudev commented, "In my opinion, this is the way that people who were not Maoists became Maoists in many places." He narrated in detail what had happened when they were targeted and interrogated by the security forces:

At 12 at night the police came and knocked on the door. It was quite light because it was the night of the full moon. I looked out of the window and saw the police and asked them what they wanted. [A policeman] said, "Is [his father's name] here? Get up." I said that he

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<sup>71</sup> De Sales (2008: 348) has noted disruption to networks of village relations in the face of the external political forces of the war in the mid-western hills of Nepal.

was not here. [The policeman] said, "Open the door." I replied, "Who are you? We don't open the door at night. Please come tomorrow morning."

The police commander ordered them to kick the door down. They beat me. My wife came and they also beat her. Until then, father had been in the other house and he did not know what was happening. Then father and mother got up, opened the door and came out. The [policeman] asked, "Who is [his father's name]?" And father said, "What work do you have, sir?" They said, "Get your clothes and come. You are Maoist leaders." They took us at night, father and me. They made us walk for three or four hours through the night to a police post in another VDC.

[...] [The police] spoke a lot on the road, "You are Maoist commanders. You are *thulo mānche*.<sup>72</sup> You run society (*samāj chalaune*). You are educated people." They blamed us for all the incidents that had been happening that had been carried out by the Maoists. Father said, "That's not our work. We have our own profession. We have our own work. Our interest is to give awareness that everyone should become educated. We give education to everyone. That is our work: to motivate people. It also gives me pain when people destroy things. I am against all of these things."

They were held in the police station overnight and, the next morning, were interrogated further:

[The police commander] asked father a lot of questions, "In your student time you had communist ideas. We have your full report. We have a heavy file on you. You were doing many things. You were a big leader." Father responded, "Whilst I was a student, I learnt about communist ideas. From a young age we suffered. Now I am a teacher." [...] "You are welcome to kill me by your own hands; if I have done bad things for society then please kill me." They did not say anything. Then, they looked at the papers and they put them back.

They said, "Sir, you are a teacher. This is our profession, please don't take offence. We work for the Government. There are lots of people giving false reports. [...] We had been given a report. But when we went [to your house] we did not find any evidence that you are Maoists or that you have their kinds of newspapers and weapons. I am sorry. Please go quickly. The people from your house have been looking for you. They have called many times. You have *thulo mānche* too. A message came on our radio to release you quickly. Please go quickly and do not spend time on the road."

The police had broken into their home in the middle of the night whilst the family were sleeping and beaten family members. Basudev and his father had not known where they were being taken as they were marched into the night. They learned that they had been accused of being Maoist leaders. However, after being questioned the following morning, they were told that the police had found no evidence and they were free to leave. Their release was secured because of personal pressure from well-connected people that the family had been able to contact.

The levels of fear experienced by the wider family, who had witnessed them being taken away, became evident as Basudev continued his account:

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<sup>72</sup> Those who are *thulo mānche* (lit. 'big people') are important, powerful people.

When we reached home, my wife and mother were really disturbed. Just after we were taken away, they had heard shots two or three times in the jungle (these were by hunters). A few days earlier, during the Kilo Sierra operation, the security forces had taken people accused of being Maoists into the jungle and killed them. And this was just two-three days later, they had taken us from our house and then there was firing. Our mother, she lost her senses (*hos harāyo*).

For Basudev's mother, this event triggered serious distress and trauma, as she believed that her husband and son had been killed:

Her mind became useless (*bigriyo*). She could only cry. She would not eat. Even when we came back she said, "It's not you; you were killed there. I heard them shooting you."

Basudev described how her mind had 'given up working' (*dimāgle kām garna chhoḍyo*). Even though they had returned, she had remained greatly distressed; their return had not changed her condition. They had taken her to hospital in the neighbouring district where she had been given medicines. These had only made her condition worse. She could not sleep and she became thin because she was not eating. One night whilst she was in the hospital there had been a lot of rain, and because it was almost Dipavali, the Hindu festival, people had begun to set off fireworks. She had become terrified by the noises, mistaking them for the sounds of gun fire. Later their father had taken her to a hospital in India where she had been given different medicine, which this time had helped to control her distressed mind. Her condition began slowly to improve. However, just three years later, the severe trauma and distress she had experienced were to recur again.

In November 2001, after the break down of peace talks, a state of emergency was declared by the Government. For the first time the army was mobilised to fight the Maoists and a significant escalation of violence ensued. Just weeks later, Basudev's father was disappeared. Basudev described how events unfolded:

At the time of the Emergency (*sankatkāl*), the landlord's house was looted by the Maoists. None of us knew anything about this. In the morning we were together. It was a cold month and we had lit a fire outside. Someone from another village came and told us, so then we knew about this.

Basudev emphasised that he and the family had not known anything about the looting by the Maoists until the neighbour came, countering the landlord's accusations that his father was involved. Basudev focused on the ordinariness of the day and explained that his father had not hesitated to go to work, unaware of how events were going to unfold:

We ate food together and, as it was a school day, having finished eating father went to school. And then, since that day, father has been disappeared. [Silence]

Over the following days the family heard reports from people who had witnessed what had happened in the village where the landlord's family lived. These people had seen members of the landlord's family making a phone call from the VDC that morning to report that their house had been looted. An hour or so later villagers had witnessed the army arrive. They had put a block on the road, and were stopping people who were travelling along it. Basudev recounted what the family later learned had happened to his father:

Our father was at school from 10am until 4pm. He left at four and as he was returning [the army] stopped him on the road. They threw his cycle by the side of the road. The people who saw this said that they blindfolded him and put him in the vehicle and left immediately.

Sometime later the following evening, one of the brothers had gone to collect the bicycle.

Basudev believed that the events that led up to his father's disappearance had been linked with the Government's attempts to target *Gochāli*:

At the time of the Emergency, [the state security forces] had banned many newspapers and magazines. They censored anything that was related to the Maoists. The law at that time was that any newspaper that was related to the Maoists, or any writing that they thought was close to the Maoists, could be completely shut down. The people who were writing these were arrested. Some were disappeared and others were killed, like in Kathmandu they killed Krishna Sen, editor of *Janadisha*. In this way they also targeted many local publications and disappeared those involved. Accordingly, they also looked negatively on those involved in *Gochāli*. Then they arrested, tortured, killed and disappeared these people. The Emergency gave them the opportunity to do this, but at a time of democracy, in the twenty-first century, this should not have happened.

[...] There are a lot of poor people here in Nepal, many people are on the side of the exploited. And the Government, by accusing them of being Maoists, of being terrorists, took this opportunity to silence their means of expression, as in the Rana time. In the Rana time, it was not allowed to study, and they did these things - they banned education. In this way, they put a lot of pressure on those who were educated.

[...] Until now we don't know anything about his whereabouts (*thegānā*), whether he is alive or dead; we don't know his situation. Others who were involved in *Gochāli*, from other districts too, many others were also taken and disappeared.

When their father disappeared, Ama became extremely distressed once again. "She just cried (*rune*) and shrieked (*karaune*)," Basudev remembered. She refused to take the medicines she had taken previously and, without their father to persuade her, the sons had been unable to influence her. Not only had Ama lived through repeated experiences of her husband being taken away, but on this occasion the situation was exacerbated because Jagat, another

brother, was picked up by the army a few days later. The acute stress and grief were too much for Ama to bear. “Her mind was really failing,” Basudev recalled. It was an incredibly stressful time for the whole family. When I asked him about himself, Basudev mentioned the stress he had felt when it had fallen on him to bear the burden of responsibility to work for his father and his brother’s release, and to keep the rest of the family safe.

In another conversation with Jagat, he had spoken about his arrest. He described how he had been taken to an army barracks and held there and interrogated for several days. Whilst in detention he had seen his father, but only from a distance and they had not been allowed to speak. Jagat was fortunate to be released five days later. He explained that his previous work roles had allowed him to build relations with people holding a range of political affiliations. In order to secure his release, he had strategically used the names of people he knew who supported the state, from *Gochāli* and the NGO BASE. His family had also contacted these people from the outside to press for his release.

After his release, Jagat had met the landlord, who told him that the army had called him. He said that he had confirmed that Jagat was not involved in the attack on his house and this was the reason, he claimed, that Jagat had been released. The landlord had been particularly fond of Jagat when he was a child, allowing him to spend time playing with his sons in their house. It was this fondness, Jagat believed, that had saved him. After his release, he asked the people who had helped him if they could also help with his father’s release. A leader from the Tharu community, who was a minister in the Government at that time, had gone on their behalf to the regional army headquarters and had spoken to an old classmate who was a major in the army, but ultimately he had been unable to secure Jagat’s father’s release. Jagat believes that it was the influence of the landlord’s family on those they knew in the army that prevented his father’s release.

Before his father’s disappearance, Jagat had worked closely with him to promote *Gochāli* within the Tharu community in different districts. It had expanded particularly rapidly between 1998 and 2001. He explained that, from its earliest stages, the *Gochāli* committee members had been politically diverse. One committee member had later become a Maoist leader and served as a minister in the first Maoist-led government and another was a supporter of the King and had been a minister in one of the earlier governments appointed by the King. The political diversity of *Gochāli* led to an ambiguity which was both utilised as a resource and became a risk during the time of the war: “After the Emergency started we had

to look out for our lives, and *Gochāli* became less active,” Jagat explained. Eventually *Gochāli* split into two factions: one faction believing that for Tharu freedom they should support the People’s War; and the other believing that *Gochāli* should remain neutral and work only to promote language and raise ‘consciousness’ in society. “Those who wanted to work neutrally had to become more passive in order to try to save their lives,” Jagat explained. Initially when the *Gochāli* members who were actively engaged with the Maoist movement were arrested, they would say they were *Gochāli* and not Maoist in order to be released: “The police and the Government got the impression that *Gochāli* meant Maoist. This is why many people were disappeared.”

Speaking about his father’s views in relation to the Maoists, Jagat described how his father had believed that everyone had to follow their own vocation. He did not agree, for example, that all Nepalese should go ‘underground’ and fight for the Maoist movement:

His thought was, “I am an intellectual and I do not have to go underground and carry a weapon. I can work at the grassroots and raise awareness. Raising awareness is also a ‘war’ (*yuddha*), one kind of war.”

His father believed that by raising people’s “awareness” (*cetanā*) you could enable them to choose their own path. As our conversation was ending, Jagat became reflective. He recalled that his father had advised him: “Whatever work you do, you have to complete it.” Jagat had revealed little emotion during our conversation, but as he remembered his father’s advice he had commented sadly, that in his efforts to find his father he had not been able to follow this advice. He had put his efforts into searching for his father and securing his release, helping to set up the victims’ association and linking it with human rights organisations, but he has not found his father.

Through their narratives, the brothers attempted to forge an explanation as to why their father had been accused and taken by the army. But these narratives ended with their father’s disappearance: there was no possibility for them to explain beyond this point. Instead, the sons became actively engaged in searching: searching for their father, searching for truth about what has happened to him and seeking justice for his disappearance. They campaigned with others for official recognition and acknowledgement of the disappeared, and, more personally, have sought to establish respect for their father’s memory in the school where he taught. It is through these activities that they have attempted to pursue an explanation and to reclaim what it is possible to recover of the meaning their father’s life has held.

Listening to the brothers' accounts reveals the ways in which ambiguity made a person appear suspicious. The ambiguity that surrounded the political identities of members of *Gochāli*, and the blurring of lines between different forms of political engagement, were two of the factors that appear to have made their father a target for disappearance.<sup>73</sup> Sympathy towards a particular political viewpoint, support for a political movement and membership of a political party were distinctions that became hazy. The blurring of the line between the historical struggle over land and the Maoist movement's action on these issues, was another source of ambiguity and lay behind the rumours that all Tharus were Maoist, which were said to have circulated within the state security forces during the conflict (see OHCHR 2008: 18).

In our conversations, the brothers recalled events from a particular present (see Ross 2003: 102). They had been involved in searching for their father and campaigning for truth and justice for eight years; the war was over and he had not returned. Within their narratives, threads could be traced both of discourses of victimhood and of martyrdom. In the descriptions of the family's early experiences of expulsion from their land particularly, there were allusions to victimhood. However, the descriptions of their father resonated more closely with those of a martyr: of someone who was committed to a cause wider than himself, to working for the 'upliftment' of the whole Tharu community, and whose commitment to this vocation led to his disappearance. However, these accounts did not fit neatly into the scripts of victimhood offered by the human rights organisations, or the scripts of martyrdom and sacrifice offered by the Maoists (see the Chapters Five and Six). They believed that their father deserved respect and honour. In part, their narratives themselves were a kind of tribute to their father, their own testament of respect and remembrance.

### **Interrupting the Narrative: Living with the Pain of Loss**

At the other end of the village from the main family home, Jagat and I had been sitting in front of his brother's house one day, when Ama had passed by. Ama knew that I was doing research about the families of the disappeared. On account of her ongoing distress, and following cues from her relatives, I had never asked Ama about her husband's disappearance, and I had generally tried to avoid conversations about her husband with other family members when she was close by. Nevertheless, sometimes she chose to speak about her husband, and when she did speak, I listened. That day, when she saw Jagat and me, she

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<sup>73</sup> The example of *Gochāli* affiliation illustrates the dual nature of ambiguity: offering both protection for some and risk for others, but not always in predictable ways.

realised that we were discussing her husband. She paused for a minute and then, addressing me, she spoke:

Please write well about us... I have a lot of pain (*pīḍā*)... My husband was a man who had gone to teach. He did not come home. He was not ill. When he went to school, he would never drink. If people drink alcohol, they do what they do and anything can happen, no? [...] I know that this has happened or this has not happened. It's like that, no?

You have come to my house. You are always staying at my house now. You are guests. And if something bad happened to you, what would we feel? Your father and mother think you are coming here to work with my sons. It was like this, [my husband] was also going to school for his own work. He did not return... I always carry that pain (*pīḍā rākecha*) until today.

I have all these sons, all these sons. If they go to do something and do not come back, how do I feel? How much have I suffered (*dukha pāeko*) giving birth to these children? [...] This is my worry (*pīr*). See, my husband had also gone and did not come. [...] That pain, this is how I feel today. [...] Uh-ho, when eating time has already passed, and by this time my sons are still not home... I feel it in my heart.

Ama described lucidly how the pain of experiencing someone's disappearance is different to other kinds of loss that have explanations. For her husband to have been going about his work and suddenly to be taken away without an explanation, this is what has left the painful uncertainty which persists. Lacking an explanation, she carries the pain of his loss every day. The sorrow and fear of her husband's disappearance resonates through other relations, transferring into an anxiety she feels when her sons leave for work and are not home in time for dinner. Ama tried to draw parallels with my experience, to create a way for me to understand what she was feeling. Her words were insistent, a plea to widen and deepen the focus of my understanding. They cut through the work of trying to understand and construct a narrative of what had happened to her husband. With her son I had been in the middle of a discussion about the details of the family history, trying to understand the subtleties and complexities of the different political relations within *Gochāli*. Her interruption was a call to understand her family's experiences in a different way, to listen to what his disappearance had meant for her on a personal level, and to understand his loss in the context of the family relationships in which he was known.

Ama continued to speak, and we continued to listen:

The things that can be said have been said. [...] Now, after babies cry, they get milk. If they don't cry they do not get milk. [...] My sons, whatever work [they do], let them do it. Whatever, let them eat. This is my idea, my purpose. I have this much pain. I have passed this many years and I am this old now. Even when we are old, we have grandchildren.



As she continued, I struggled to understand all that she was trying to say. It sounded as if her ideas had become tangled in her distress, but my lack of understanding was also a reflection that I had not yet come to know Ama and her family well enough to follow what she might mean.<sup>74</sup> Nevertheless, whilst the full sense of her words remained unclear to me, her speech was punctuated unambiguously by expressions of her pain. Ama appeared to be ambivalent about her sons talking about the details of her husband's disappearance: "The things that can be said have been said." It seemed to be a statement against the possibility of finding any further meaning in going through these details again. Her main concern, she repeated, was that her sons should eat. She also referred to having grandchildren now. It was in these family relationships and in what she could do to provide for her family, that she held on to a sense of purpose. The focus on food and eating links to the gendered role of cooking for and nurturing the family, even though in practice her daughters-in-law had now largely taken over this responsibility. When her husband disappeared, Ama was no longer able to provide food for him. One of her key roles as a wife had been taken away.

This theme of eating was the focus of words she then addressed directly to us:

You have come from so far away. Do not sit and suffer. Whatever you would like to eat, ask. There is enough for everyone. Is that not so? I am someone who has suffered like this. I am happy that you have come to my home. Ey, painful pain (*dukhe dukh*). Things come. I have grandchildren. [...] I am the only daughter of my father. [...] I have this pain. You must be hungry. Come and eat.

Again, it felt as if her words and emotions were stumbling over each other as her attention fluctuated between her pain and her attempts, in spite of this, to reach out to us with her concern that we would eat. There was a glimpse of her internal struggle, and her efforts to continue to forge a sense of self in relationship to others, even amidst the loneliness of her experiences of pain that threatened to overwhelm this. In that moment, I did not know how to respond. I felt uncomfortable about her concern for our mundane needs in contrast to her suffering. What I *was* able to understand of her struggle and pain was heart-wrenching; her words highlighting the loneliness of her pain, even as she was trying to express it. After finishing what she wanted to say, she left to return to the house. We sat on the veranda, silent for some time.

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<sup>74</sup> In describing speaking with a woman who had been abandoned in an asylum in Brazil, Biehl observed that: "the degree of unintelligibility in her thinking and voice was not determined solely by her expression: we, the volunteers and the anthropologist, lacked the means to understand them" (2007: 402).

Over the time I spent with the family, Ama rarely spoke at such length. However, she frequently, insistently, repeated the phrases: ‘We have much pain’; ‘We have suffered a lot’. These had become a haunting refrain to life within the family home, articulating her grief and the loss that she lived with. As she spoke these phrases, her voice carried within it a melancholic weariness. Her repetitive articulations sometimes created tension with other family members, who did not share her need to live continuously in these experiences. To hear her grief and to see her ongoing distress pained them. Her sons’ responses to their father’s disappearance had been very different. They had worked to search for their father and then, with human rights organisations, to pursue truth and justice. This work had encouraged the suspension of grief. In contrast to Ama, her sons’ emotions were more deeply enclosed within silences. They surfaced into words infrequently, when mentioning hopes for a memorial for their father so that people would remember and respect him, or in a fleeting comment about the desire for revenge. Unlike them, Ama was unable to contain her emotions. Her husband’s disappearance had caused such a disjuncture, such a wrenching break in the normal progression of life, that she had become caught within the pain of this experience. She had not been able to give the events meaning in a way that could be integrated into the rest of her life, and thus they became a reality that she lived again and again. Mohan reflected once that when their father disappeared, it was as if they lost part of their mother too.

Some months previously, as we were sitting in the yard at the end of the day, home-brewed wine had been brought out and Ama had begun to sing. She sang a lament about her loss, describing how, now that her life partner was gone, all she could do was to spend her days with the goats taking them to graze. Her lament was for her disappeared husband and also for the part of herself which had been lost with him. McDonough in his work on Tharu songs does not mention laments or mourning songs specifically, but he has noted the important place of song within a rich body of oral traditions in Dangaura Tharu cultural practice: “each has its specific place in the annual round of seasons, work and rituals” (1989: 195). Writing about the Yolmo Sherpa communities of the central Himalayas of Nepal, Desjarlais has described how the communal singing of ritual funeral songs helped to cut loss loose from the body: “a cadence of loss needs to be sung in order to evoke, then assuage, one’s grief” (1992: 130). Ama has had to create her own song. Moreover, she had to sing this song alone, unable to find the possibility for connection with others in her community through ritual songs, or the healing through these that Desjarlais has described in the Yolmo case. One of Ama’s sons had written a different kind of song, as a tribute to his father, called ‘Memorial.’

It narrated an account of his father's disappearance and his treatment by the state security forces, and exhorted that innocent people should be remembered with respect. Unlike Ama's song, it found a place to be shared in the pages of a *Gochāli* magazine and in a recitation at a *Gochāli* gathering.

Ama often described feeling physical pain in her head and aches in different parts of her body. Anthropologists have written about the ways in which pain that cannot be expressed in words becomes articulated through, inscribed upon, or buried within the body (e.g. Das 1997; 2007; Zur 1993). Zur's ethnography amongst those referred to as widows of the disappeared in Guatemala has specifically discussed how the suppression and denial of grief resulted in the "somatization of grief." This suppressed grief emerged in different forms of weakness and expressions of pain amongst the women she met, and were sometimes triggered at other "moments of departure" (1998: 213-17). Ama's experiences echoed this. Her grief and pain, which could not be mediated through communal rituals of loss, instead became inscribed upon her body and her being.

On another occasion, I had just returned from a short trip to visit my parents. Before I had left Ama had asked me, "Will you tell your parents about us? Will you tell them about our pain?" She repeated this request several times and I repeatedly gave my assurances that I would tell them. One night, on my return a few weeks later, as we sat together in the darkness of the back yard under the stars, she asked me: "Did you tell your parents about us? Did you tell them what happened to Mohan's father? What did they say?" I told her that I had told my parents about what had happened to Mohan's father and about the pain her family were experiencing. I shared that they had been very sad when they had heard what had happened. They were sad to learn that these things were happening to people in Nepal, things that should not be happening to anyone. I used simple expressions, and felt the inadequacy of my words to respond to her pain.

After a brief silence she began to speak. She spoke in a way I had not heard her speak before. Often another family member would interrupt her, or direct the conversation to another topic if she referred to her husband's disappearance or the pain she was living with. That night everyone was silent as she spoke for several minutes, telling the story of what had happened when her husband disappeared: "He was a head sir you know. He was sitting as close to me as this as we ate food that morning, and that evening he did not come back..." Ama

described how she used to be plump and beautiful, wearing saris and the *sindhur*.<sup>75</sup> When her husband did not return home that night, she had gone with her eldest son to the army barracks on the edge of the district to search for him:

We went to [the] barracks twice. I asked for my husband and they told me that they had not taken him.

We had grown beans and other vegetables, but he did not get the chance to taste them. I tried to give them for him when we went to [the barracks], but they would not take them.

And then we could not do anything...

Mohan told me later that he had not heard his mother speak that way before and that he had had tears in his eyes as he listened to her. Words that had been stuck, caught in repeated phrases of grief, had, for a moment, found a way to reach out and narrate what had happened. That night, Ama's account had been similar in form to those that other relatives of the disappeared had shared.

Ama's response to her husband's disappearance resonates with what in other contexts and disciplines would be described as trauma. I have been wary of using this term, aware that such terms can obscure more than they enlighten when used outside their professional context. I have attempted to let Ama's own words describe her experience of loss. In a case that resonates with Ama's, Des Chenes (1998) presents a sensitive ethnography of a woman living in a Gurung hill village. She observes how even amidst grief and loss this woman continued to make choices based on her own moral sensibilities, in order to navigate her circumstances and find a way to live. Ama was acutely aware of the transformation in herself after her husband's disappearance. Even through her overwhelming grief, it is possible to trace the subtle choices she has made in response to the exceptional events of her husband's disappearance, in particular her choices to keep engaging actively in family life after her retreat from public life. Elsewhere, Des Chenes (1997) has argued that attention to the exceptional should not overshadow our study of the daily context of people's life worlds, if we wish to observe the reverberations of life-changing events over time and understand the choices women make within the constraints they face.

Ama had retreated completely from her public roles as a ward chairperson and women's health worker after her husband disappeared. However, within the family home, Mohan had

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<sup>75</sup> *Sindhur* - the vermilion line painted in the parting of married Hindu women. Plumpness is a sign of beauty and health, and thinness of ugliness and deprivation, in Nepal.

told me she did not know how *not* to work and kept busy with different tasks from morning until night. Twice a day she would take all the family's goats and sheep to graze in the fields, joining older women from other houses in the village with their flocks along the way. She took a large black umbrella with her to shade herself from the heat of the sun, and sat with her neighbours on the narrow dykes that doubled as paths, criss-crossing a piece of fallow land and marking the boundaries of small square plots. One morning Ama invited me to join her. I followed as she led the way out into the fields. She had with her a cloth bag. Once we had sat down, she pulled out of this a partially woven basket of grasses and coarse plastic threads. Keeping an eye on the goats to check they were not straying too far away, she then began deftly binding these grasses and threads together. This kind of weaving is a craft that had been practised traditionally and had an important place within Tharu culture, with different kinds of baskets woven for both everyday and ceremonial purposes. Ama told me that she had a greater repertoire of craft skills than her daughters-in-law, but that her skills were much less than those of her mother, who had woven beautiful designs of peacocks and other animals into her baskets. It was in these traditional skills and everyday activities within the village that Ama had submerged herself and found a way to keep on living. Das has observed how a "descent into the ordinary" might become a process by which a person can begin to pick up the pieces "and find out how and whether to go on" after experiences of violence (2007: 7, 13). Ama's experiences could be described as such a "descent into the ordinary," a troubled descent where the memories of having been "betrayed by the everyday" were still present (ibid: 9).

Ama vocalised and embodied the pain of loss and of living in a state of ongoing grief for her husband. Her short phrases and interjections expressed the unnatural break in the narrative of life. They had become habitual and resonated with Das's suggestion that "fragments allude to a particular way of inhabiting the world, say, in a gesture of mourning" (Das 2007: 5). For Ama, her husband's loss had become all encompassing, framing her way of being in the world. However, this was not a passive stance. When Ama spoke of her pain it demanded a response in a way that was different from my conversations with her sons. Her pain sought an acknowledgement of the kind Das and Cavell have so carefully discussed. Drawing on a philosophical scenario described by Wittgenstein, Das states: "the sentence 'I am in pain' becomes the conduit through which I may move out of an inexpressible privacy and suffocation of my pain" (1997: 70). She explains that this does not mean that pain becomes understood but "it makes a claim asking for acknowledgement, which may be given or denied" (ibid.). Cavell adds to this that as the listener "[y]ou are forced to respond, either to

acknowledge it in return or to avoid it” (1997: 94). Ama’s words required such an acknowledgement from the listener. She expressed the need for recognition of pain that she and all the other relatives of those who have disappeared have until now been officially denied.

## **Experiences of Loss**

The phenomenon of disrupted grief has been observed in the experiences of relatives of the disappeared in other countries. In each context, variations in the political narratives about those who are missing or disappeared shape the ways in which the social possibilities for mourning are framed, and influence how loss and grief are experienced. Robben has written of a refusal to mourn amongst parents in Argentina, who, facing denial from state officials and unable to trace any evidence of the captivity or death of their children, hold on to the hope that they may still be alive: “Mourning would deprive [these parents] of such hope, and was experienced as abandoning a child who might still be alive somewhere” (2000: 281). De Alwis (2009) has observed indefinitely extended grief amongst mothers of the disappeared in Sri Lanka. She has described how these mothers engage in an unending “tracing of the traces,” drawing on Derrida’s idea of ‘the trace’ as a “mark, wake, track, spoor, footprint, imprint” (de Alwis 2009: 379). In the absence of an identified body grief became “chronic”: their loss was continuously deferred and mothers held on to their children’s absent presence through photographs or clothes (2009: 382). As well as discussing suppressed grief, Zur (1998: 212) uses the concept of “frozen grief” developed by psychologists working in Latin America, a concept discussed further by Taylor in her study of the return to Guatemala of those who fled as refugees (1998: 157). In Cyprus, Sant Cassia compares the differences between Greek Cypriot communities, who perceived missing relatives as of “unknown fate,” and Turkish Cypriot communities, who did not question that their missing relatives were already dead (2005: 22-24). Broader political and historical contexts had created differences in personal and public engagement with loss and mourning in these two communities.

In a powerful ethnographic film, *Barzakh* (2011), about disappearances in Chechnya, Kvedaravicius has reported how state authorities told some families that their disappeared relatives were still alive. These officials made these statements whilst giving them no evidence of their veracity, creating an even greater disorientation than the silence of denial. This left these mothers in a perpetual state of waiting for the possible return of their disappeared sons, feeling guilty if they left home for too long in case their sons returned whilst they were away. In his sensitive and profound analysis, Kvedaravicius has elucidated

how the past and the future collapse in on the present.<sup>76</sup> Whilst the whereabouts of the disappeared remain ambiguous and uncertain, their absence lingers within the spaces of the home and in family relations, disturbing social life. The following chapter examines this more closely, focusing on the experiences of women whose husbands have disappeared in Nepal.

Any ambiguity or uncertainty about details surrounding a death complicates personal grieving processes for relatives (cf. Boss 1999; Zur 1998). Without a body, disappeared relatives cannot be reintegrated into social relations through the rituals of mourning, and, for some, hope is held open that they might still return alive. Within the field of psychology, Boss (1999) has described the concept of ‘ambiguous loss,’ highlighting the ways in which uncertainty deeply affects relations within families and disrupts the grieving process.<sup>77</sup> People are denied symbolic rituals and as a result the possibility for validation of their experiences within a wider community; furthermore, people often face the withdrawal of those around them because ambiguous loss is seen as threatening (Boss 1999: 7-8). In Nepal, Robins has assessed how this concept applies to the experiences of families of the disappeared, and has advocated for its usefulness in developing humanitarian intervention programmes to strengthen families abilities to cope with the ambiguity they face (2010).<sup>78</sup> What the concept of ambiguous loss does not address, is a more detailed analysis of how political contexts impinge upon and shape understandings and experiences of loss. As outlined in the examples above, the way in which ambiguity and loss interact in a particular political context needs careful consideration. These are central concerns of the discussions which unfold in the following chapters.

Through their different ways of living with loss, Mohan’s family guided me to deeper ways of listening. The brothers’ narratives sought to explain and to trace meaning. From the point at which what was known of the narrative of their father’s life ended, they had turned to action: searching for him; campaigning for truth about his disappearance and for justice; and seeking recognition, remembrance and respect for his life. The brothers’ emotions were

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<sup>76</sup> Drawing on the same ethnographic work, Kvedaravicius recently completed his Ph.D. ‘Knots of absence: death, dreams, and disappearances at the limits of law in the counter-terrorism zone of Chechnya’ in Cambridge.

<sup>77</sup> Based on research in North American therapeutic contexts, it describes situations both when a person remains physically present but is psychologically absent, and when a person is physically absent but psychologically still present (as can be the case for the disappeared).

<sup>78</sup> This has influenced the development of an ICRC psychosocial programme with families of the disappeared in Bardiya and other districts.

hidden within silences or occasional brief comments; or had been channelled into, and refracted through, efforts to pursue truth, justice and recognition. Ama's experiences of grief had overwhelmed the construction of a narrative: for her the possibility of finding meaning had already slipped away. Her utterances pulled away from the detail and the quest to understand how her husband's disappearance might link to the wider political and historical context, and demanded a more immediate engagement with her that was not only about comprehension of words but about acknowledgement of her experiences of pain. Das has described how words are sometimes used to *show* rather than to narrate violence: "[w]ords were spoken but they worked like gestures" (2007: 10). Ama's words were such a gesture, *showing* her pain, shifting attention from the past to the present, from those who had disappeared to the experiences of those who have been left behind. She could no longer contain the pain within herself, and instead it overflowed, with an insistence that sometimes made her family uncomfortable. She embodied her grief, reflecting in her own being the violent rupture of her husband's disappearance.





## Chapter 4. Living ‘in Between’: Wives’ Experiences of Ambiguity and Absence

A husband or son goes missing, a brother is killed... Which is more painful, to live (*basne*) or to die (*marne*)? (Kamala, wife of a disappeared man, May 2009)

Kamala and I were together one morning in the main district town, speaking about her involvement with the local victims’ organisation and her experiences since her husband had disappeared. She was an active member of the local victims’ association, more confident than many of the other women, and had been invited to attend programmes in Kathmandu as a representative of the families of the disappeared. However, despite her involvement in these activities, she felt strongly that organisations working with families of the disappeared had not listened to the pain that women were facing. Her poignant question at the start of this chapter starkly expressed this frustration and presented an ethical challenge about the acknowledgement of their pain. To focus attention on those who have disappeared or been killed, without giving attention to the ongoing experiences of those who have been left behind, recognises only part of the pain that such violence has caused.

Within public discourse in Nepal, the particular implications for women whose husbands have disappeared have been obscured by discourses of humanitarian and human rights organisations and also of the Maoists, which have emphasised *families* of the disappeared. Because of this, the ways in which loss has been experienced from different relational positions within families has, until more recently, not been clearly recognised.<sup>79</sup> It means something different for a woman to have lost a husband than to have lost a son, for example, or for a man to have lost a daughter than to have lost a father. Loss is experienced within and through the permutations of these different relationships. This chapter broadens the frame of analysis from the personal, to the social and interpersonal dimensions of loss, observing how experiences of loss are contextualised within the intricacies of family relations and how disappearances continue to affect relationships in the present. Specifically, it focuses on the experiences of women as wives of those who have disappeared.<sup>80</sup>

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<sup>79</sup> This has changed somewhat since the time of my fieldwork, with research about the effects of conflict on women (Advocacy Forum and ICTJ 2010; ICTJ 2013) and the ICRC’s establishment of psychosocial programmes focusing on women. Campaigning platforms have continued to emphasise *families* of the disappeared.

<sup>80</sup> From a different perspective, Robben has written a detailed account of the experiences of *parents* of the disappeared in Argentina, describing how disappearances violate the relationship of trust between parents and children (2007: 270; 2000).

Disappearances have created ruptures in the everyday, which have often had deeply unsettling and evolving repercussions in the lives of relatives left behind. Das's sensitive and critical work on communities affected by violence has given attention to how suffering becomes folded into the ordinary, and outlined possibilities for studying violence through the way it implicates subjectivities (2007; see also Das et al.(eds.) 2000). As women in Nepal live with the uncertainties of their husbands' loss, how have they found ways to inhabit their own ambiguous positions within families and communities? How have they found ways to continue to live when their everyday has been so unsettled by the absence and unresolved loss of their disappeared husbands?

Drawing from interviews and life histories, this chapter traces the trajectories of the lives of women in Bardiya whose husbands have disappeared. The majority of these women are Tharu, but some, including Kamala, are from high-caste families. In the first section, women's accounts describe the sudden removal of their husbands from amidst their social worlds, revealing how the spaces and rhythms of everyday life were violated and disrupted. The second section explores women's experiences of their husbands' absence and the paradoxes enfolded within this, comparing these with other research that sheds more light on similar experiences. The next section considers other accounts that reveal further details about the repercussions of absence within families, illustrating the ways in which women suffer because of the ambiguity of the disappeared husband's status. An extended case study follows which offers insight into how one woman experienced and attempted to respond to her family's altered situation after her husband's disappearance. It illustrates how the possibilities she discovered for support, solidarity and livelihood opportunities were largely *outside* the spaces of her everyday world; and then considers how far these helped her in renegotiating her position within the family. The final part of this chapter looks at how some women have taken more radical steps to reposition relations in attempts to alleviate their families' suffering.

### **Out of the Ordinary: Experiences of Rupture**

When we arrived at Laxmi's house one afternoon, she was sitting outside, carefully sifting a basket of *dāl* (lentils). She lived together with her two children in a small house in a Tharu village a short distance along the road from her parents-in-law's home. After her husband disappeared, Laxmi had been left to manage the household alone. She had struggled, with limited access to land and no other family members who could help with the labour. Her voice sounded tired and withdrawn as she spoke to us. Laxmi's husband had been the eldest

son in his family. He had worked as a labourer building houses. He was disappeared in the winter time, taken from their house one late afternoon during the first month of the Emergency at the end of 2001. A large group of men in army dress had come with guns and the family had been terrified. These men had lined up the whole family and had then beaten and interrogated them. They had shoved rifles in their chests and had threatened to kill them. They were in army dress but had handkerchiefs over their faces in order to hide their identities. They had told her that they would kill her husband and make her a widow. The soldiers had taken her and her sister-in-law into detention along with her husband. She had been released after one night, but her sister-in-law was not released for another month. Neither Laxmi nor her sister-in-law spoke to me about these experiences, and the context in which we were speaking that day, with Laxmi's children and neighbours passing by, had not allowed for further discussion.<sup>81</sup>

Laxmi's husband was not the only member of the family who had disappeared; her husband's younger brother had also disappeared the following summer. After Laxmi and her sister-in-law were released, they both had, at different times, been involved in searching for these two brothers. Along with other families of those who had disappeared in the area, they had travelled to the local army barracks where their relatives had been taken to demand information. Laxmi recounted that the army personnel at the barracks had simply denied taking her husband.

Her relationship with her husband's family had not been easy before her husband's disappearance, but became more difficult afterwards. Her in-laws were under pressure having lost a second son. Then her father-in-law had also passed away following an illness that the family interpreted as having been brought on by the grief of his sons' disappearances. These additional losses within Laxmi's extended family had exacerbated tensions and left both Laxmi's own household and that of her in-laws in precarious situations, without the economic and social security of male household members. The promise of government relief money some months later might have been expected to ease the strain on the families, but in fact it exacerbated tensions between them even further (see Chapter Eight).

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<sup>81</sup> It was not common amongst the accounts I heard for female relatives to be taken by the army, but several women had suffered similar violence and abuse by the army in their homes.

Laxmi explained that on the afternoon the army came, not only had they taken her husband, but they had also taken ornaments and rice from the house.<sup>82</sup> Using an axe they had broken open the box where their valuables had been stored and looted its contents. “They were like thieves,” she said. This metaphor of being “like thieves” equated the state security forces to criminals. Her husband had been ‘stolen’ from the social world of the family. Disappearances have ruptured the social fabric and violated the spaces of their family homes, violently disrupting everyday life. Many relatives had witnessed large army units arrive and break into their homes to apprehend those they then disappeared, and several other relatives reported that the soldiers had looted and destroyed property at the same time.

Mira had also witnessed her husband’s disappearance and had described the traumatic events of this time. Her experiences were both similar and different to those of Laxmi. Mira lived in a Tharu village in a neighbouring VDC. Walking up the narrow track to reach her house one afternoon, we had passed a line of bricks, only a few rows high, which traced the outline of a house. Mira had come out to meet us from a small traditional house next to this. As we began to speak, she sat down on the doorstep of her home, her arms encircling her youngest daughter, a girl of about six years old. She told us about her husband, explaining that he had worked as a furniture maker. She did not believe he had been a member of a political party and she had no idea why the army had taken him. All that she knew, she had said, was that he went to work each morning and came back at night. The Maoists had not even been to their home for food, she commented. The army had taken four people from their village that night, all of whom remain disappeared.

What had made her husband’s disappearance even more traumatic and difficult to bear was that on that same night, Mira had gone into labour. The little girl who stood before us in her arms was the child she had given birth to at that time. She explained that their house had had no door and so the army had been able to walk straight in. Being in labour, she described her confusion and explained that she had not been fully aware of what was happening. She had been unable to walk, but after the army had left she had crawled over to her husband’s bed and had found it empty. It was only later when he did not return that she realised that he had been disappeared.

The morning after her husband’s disappearance, she had been taken to hospital and had given birth to her youngest daughter. The child had had to be kept in hospital for a month to

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<sup>82</sup> Ornaments would include the special jewellery worn by women at festivals.

be fed on a drip and given oxygen. Mira had taken out loans to cover the costs of this treatment, which she told us she had not been able to pay back. She had been able to see her daughter only twice during that first month, and so had been unable to feed her. The little girl's birth injuries had meant that she had grown up unable to use one of her legs properly and was slow in speaking. Mira believed that her daughter's disabilities were directly connected to the trauma of her husband's disappearance at the time of the birth.

Relations with her parents-in-law had not been good previously and the family had taken the decision to separate their households a few months before Mira's husband's disappearance. After her husband disappeared, her in-laws had remained distant and had not come to ask about him. Mira had gone to stay for a month at her *māiti* with her nephew and his family, who were her closest maternal relatives.<sup>83</sup> She recalled how even there she had felt afraid and disturbed because the house at her *māiti* also had no door. The stress and anxiety that Mira had experienced also seemed to have had physical manifestations, like Ama in the previous chapter. She had suffered from bad headaches and ringing in her ears for the previous three years, and had not had enough money to buy medicines. The extent of what she had suffered at the time of her husband's disappearance was difficult to comprehend, but these chronic symptoms could be traces of her emotional pain that had registered and lingered in her body. Economic problems had exacerbated all the other difficulties she was facing. They had been in the middle of building a new brick house and her husband had finished the foundations at the time of his disappearance. Afterwards, she had had no means to finish it alone and had had to sell the bricks in order to buy food. Because of these economic difficulties, as soon as her son had been old enough, he had left school and gone to work in a large town in the neighbouring district, pulling a rickshaw to earn money for the family.

Mira's experience at the time of her husband's disappearance was particularly traumatic because it had coincided with her daughter's birth. The precise sequence of events surrounding her husband's disappearance and her daughter's birth were somewhat confused in her re-telling. Difficulty in sequencing a narrative has been observed by others working with those whose relatives have disappeared (Zur 1998: 171). In Mira's case, this confusion reflected the chaos of her experiences at the time, struggling to comprehend why her husband was suddenly being taken from their home, just at the moment that their child was

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<sup>83</sup> The *māiti* is a women's natal home and a metonym for the relatives who live there (see Cameron 1998: 188). Women who move to their husband's home on marriage, often maintain strong positive bonds with their *māiti*. Several women in the district recounted going to stay at their *māiti* for some time or receiving practical support from them after the disappearance of their husbands.

arriving. Nothing could highlight more starkly the unnaturalness of a disappearance, so out of course with the ordinary flow of life, than the juxtaposition of these two events.

The experiences of both Laxmi and Mira clearly illustrate the rupturing of their social worlds. They highlight the particular challenges faced by women who became solely responsible for their families' livelihoods. Whilst they both had a connection with the conflict victims' association, neither could afford to participate in all the association's programmes. The struggle to ensure their small families' basic subsistence was a more immediate problem. In Nepal's rural communities, where subsistence farming makes up the whole or a substantial part of a household's resources, the loss of one person's labour can have a significant impact. More specifically, the gendered division of agricultural labour has meant that certain tasks, such as ploughing, have traditionally had to be performed by men (e.g. Cameron 1998: 160). Where male members of families were involved in seasonal migration, or had other jobs locally, many would return home to perform these tasks at the critical times of year. As travel became increasingly difficult and dangerous during the time of the war, it became less easy for men to return for short periods.<sup>84</sup> I knew of only one woman in Bardiya who had started ploughing, but she was in the unusual position of having strong support from her family. Women whose husbands had disappeared lacked such family support to challenge traditional norms, and were often already isolated by their communities because of the stigma of disappearance. They instead had to hire male labour for the ploughing.<sup>85</sup>

The loss of access to a male relative created further difficulties in that it left these women with no intermediary in speaking with officials outside their immediate community. For Tharu women like Laxmi and Mira, who had limited confidence in speaking Nepali, this was an even greater problem. Neither woman had possessed a citizenship card at the time their husbands had disappeared. This was not unusual amongst Tharu women in the district, but was indicative of their marginal position and their limited engagement with institutions of the state. For both women, the events following their husbands' disappearances had given them direct experiences of state power and had brought them into contact with various state representatives and institutions. Mira believed that, having taken their husbands, it was the

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<sup>84</sup> This was particularly the case for those living in the hills. In one hill district, a Maoist stronghold where many traditions were being challenged, Magar women are reported to have taken up ploughing (Gautam et al. 2003: 104).

<sup>85</sup> Cameron points out that this can also be viewed in a positive perspective - hiring male labour for ploughing twice a year had enabled widows to continue farming (1998: 81).

Government's responsibility to provide for their subsistence: "Until our husbands return, the Government should provide us with food and clothing. The Government should make known whether they have been killed or whether they are still alive." Laxmi had appeared isolated and withdrawn, struggling to cope with the responsibility of providing for her young children alone. Her in-laws had been unsupportive and her neighbours had been hostile when she had approached them for help. Mira had had a little more support, from her nephew at her *māiti* initially, and then from her son when he was a little older and able to share some responsibilities. However, the support from her son was not without its pain, as Mira felt regret that he had had to leave school.

When recounting the events of their husbands' disappearances, many women had emphasised the intrusion of the security forces on the spaces and routines of their ordinary lives. One described how her husband had been taken from the field whilst ploughing one morning; another told of how her husband had been picked up from a bus whilst returning home one afternoon; and, like Mira, several others described how their husbands had been taken from their beds during the night. The Maoists had also taken people from their homes and from village tracks as they were relaxing with friends. Following these moments of rupture, several women described a period of time when they had been gripped by shock and unable to function in their usual roles. One woman described how she had retreated alone into their room for several days, unable to eat or take care of her children and household. When faced with such a radical disruption and shift in the grounds of the everyday, the only possibility for her had been to retreat from ordinary life completely. After a period of time, most women had been drawn out of the paralysis of their shock, the needs of their families compelling them to pick up the threads of their lives. In asking, "What is it to pick up the pieces and to live in this very place of devastation?" in a community devastated by communal riots, Das recognised that there cannot be a return to life as it was, but people must engage in re-making their world (2007: 6). Similarly, for these wives whose husbands had disappeared, although the threads were familiar, and the physical contours of their everyday had not changed, life could no longer be experienced as it had been.

## **Enduring Absence**

The disappeared have been removed from their homes, but the lingering uncertainty about their fate has sustained experiences of their absence for their families (de Alwis 2009; Kvedaravicius 2011; LeCapra 1999). For wives of the disappeared, the experience of their husbands' absence has unsettled and persisted in interrupting the everyday, refusing to be



folded into the archives of memory, precisely because of the uncertainty about whether they are alive or dead. Zur has described how “[t]he question of the fate of the dead and disappeared, together with memories of them, clings tenaciously to the present” (1994: 15). Several scholars writing about disappearances have drawn attention to disrupted experiences of time and the complex layering of temporalities in how people experience a relative’s disappearance (de Alwis 2009: 381; Kvedaravicius 2011; Domanska 2005: 404). The disappeared are no longer present, but neither have they been ritually separated from their families through the customary practices at death (Zur 1998:193, 211). Because of this, the lives of the disappeared are suspended: in this liminal state they are “existing and yet not existing as social persons in society” (Zur 1998: 209). It is this disruption of social progression of time, which has created the paradoxically heightened presence of their absence (Renshaw 2010).<sup>86</sup>

Reflecting on the *desaparecidos* in Argentina, historian Domanska draws attention to “a past which is somehow still present, which will not go away or, rather, which we cannot rid ourselves of” (2005: 405).<sup>87</sup> She suggests that experiences of this past in the present have an uncanny, haunting quality, undermining a sense of the familiar. Alluding to the resonances in their everyday of the past presence of their husbands, it seemed more to be a nostalgic familiarity, a sense of their husbands being close-at-hand, which was elicited for the women in Bardiya. On one occasion, we had sat in the shade of a mango tree, speaking with Mina, a Tharu woman who lived with her teenage son. As we were speaking about her husband she had paused for a moment and remembered: “The mangos were big when he disappeared. Whenever the mangos are ripe, I remember my husband. And think if he was with me then we could sit and eat together.” Other women too mentioned how memories of a husband resonated through the familiar turn of the seasons (Figure 4), or even within the rhythms and routines of daily activities. Sometimes, as women recalled these memories, it was as if the boundary between past memory and present experience collapsed. Ama’s remark, quoted at the start of Chapter Three, as we sat together to eat, had evoked her husband’s presence in such a way: “He was sitting as close to me as this.” Such comments conveyed a closeness

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<sup>86</sup> Recent attempts have been made to outline an “anthropology of absence”, looking broadly at how people engage with that which is absent as well as that which is present and the implications of different kinds of absence in personal, social, cultural and political life. The contributions to Bille et al.’s edited collection (2010) consider the interrelationships between presence and absence; the paradoxical experiences of the “presence of absence” in different registers; and the links between the material and the immaterial.

<sup>87</sup> In her article, which presents a complex theoretical argument about how we understand history, she calls this the ‘non-absent’ past, a term I have chosen not to use for the current discussion as it seems more likely to confuse than to clarify.

and immediacy, almost as if the person had just left. Recalling a husband's past presence in the everyday, was a way of tracing the contours of a person's absence in the present. Yet, on other occasions, absence evoked a sense of distance and disconnection rather than closeness. When women spoke of having no idea about where their husbands were, whether they were alive or dead, it was this distance from the social world that was highlighted. It was the paradoxical experiences of both closeness and distance evoked by their husbands' absence, which made their experiences so fraught.



**Figure 4. Memories of the disappeared resonated with crops coming into season.**

The disappeared persons are both spatially and temporally displaced from the social world, and this appears to be reflected in how their absence is experienced. It is not only seasons or times of day, but particular places and objects that evoke their absence. On another occasion, as we had walked over with Mina to view her vegetable garden, she had pointed to a nearby field from where she had witnessed her husband being abducted (Figure 5). Several women had recalled details of their husbands' disappearances as we moved together in and around their homes. Sushma's mother-in-law had indicated the corner of the house from where her second son had disappeared.<sup>88</sup> For relatives of the disappeared, absences appear to inhabit the intersections of personal memories and particular places, resonating amongst those who share memories of the disappeared person, but remaining invisible to others unless they are shown to them (Figure 6). During an interview with Ram Devi, she had pointed to the sheet

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<sup>88</sup> Sushma later told us how her mother-in-law had fainted when she had witnessed this second disappearance and had had to be carried back into the house.

on the bed we were sitting on and mentioned it was that same sheet on that very bed that her husband had lain sleeping on, when the army had broken in and taken him. For the families who continue to live in these same spaces, objects in their homes and the surrounding landscapes resonate with their memories, echoing through time, repeatedly recalling their relatives' absence. The disappeared husband's absence has a paradoxical, enduring presence, testifying to a past that cannot be settled. Vishnu and her daughters lived in the home her husband had built when he came to the district as a teacher. It was their affective ties to the space of their home and its resonant memories, as well as legal ties, that had prevented them from leaving the house after his disappearance, even though the rest of their extended family lived in another district.



**Figure 5. Fields behind house close to where Mina's husband had disappeared.**





**Figure 6. Everyday spaces around the house became resonant with absence.**

The absence of the disappeared person interacts in contradictory ways with both hope and despair. For some women, experiences of absence continue to re-invoke hope when all other factors suggest a husband will not return, as when women described feeling like their husbands might still walk back along the path to their houses (Figure 7). For others, like Ama in the previous chapter, absence perpetuates a grief that cannot be socially acknowledged, because the absence of a body prevents death from being confirmed and the person being re-appropriated and transformed socially through the rituals of mourning. Absence can hold open both the emptiness and despair of not knowing the whereabouts and fate of the disappeared person, *and* the possibility to hope that the person may still be alive. It is a fragile uncertain hope, in this liminal state where neither life nor death can be confirmed.



**Figure 7. A village path - hope that a husband might still return lingers**

La Capra has insisted on the importance of distinguishing between the concepts of loss and absence and resisting their elision (1999: 697). He suggests that loss is related to a specific historical trauma and absence is transhistorical. He proposes that the distinction between these concepts is not only a matter of conceptual clarity but has ethical and political implications for how we represent and relate to these matters (ibid.: 697-700). This distinction has particular resonance in relation to disappearances. For families of the disappeared their loss is uncertain, not yet able to be anchored in history; instead their relatives' absence permeates their experiences of everyday life.

Drawing on LaCapra's (1999) work on loss, absence and trauma, Buch (2010) has compared the experiences of wives of detainees and wives of martyrs in the Occupied Palestinian Territory. She draws on Freud's concept of the uncanny, characterising these women's experiences as "unhomely absence" and "homely loss" respectively (2010: 82, 84). She describes how wives of the martyrs are more easily reintegrated into the social world than the wives of detainees who continue to live in a liminal space. These descriptions of the liminal status experienced by wives of detainees within their families, resonates strongly with the experiences of the wives of the disappeared in Nepal. The absence of a husband and

the uncertainty about how permanent his loss is, reshapes relations within families and disturbs the position of the wife within these. Zur (1998: 209) has noted that among the K'iche' women in Guatemala, "[t]his perpetual vacillation in beliefs about the fate of the disappeared ones leaves the anomalous living kin in perpetual states of liminality." She discusses how "[s]uch uncertainty also inhibits the ability to mourn, leaving women in a state of liminality, betwixt and between social categories" (Zur 1994: 15). This has also been the case for wives of the disappeared in Nepal, and the next section turns to consider this in more detail.

### **Ambiguity: Repercussions in Relationships**

Hira, a young, softly spoken woman, lived in a large Tharu home with her parents-in-law, her brother-in-law and her two young children. Her husband had been a member of the Maoists, but later had been disappeared by them on suspicion of being a traitor. Since her husband's disappearance, the ambiguity of her place in the family had become acute. She spoke with fear about having faced physical violence and sexual advances from both her father-in-law and her brother-in-law. When the situation had become too difficult she had gone to stay at her *māitī* for a few weeks. Hira, and many of the other women, were constantly making iterative adjustments, amidst extremely difficult family dynamics, in an attempt to secure a future for themselves and their children. Hira was able to go to her *māitī* for a few weeks, but faced the agonising dilemma that if she left her *ghar* (the marital home and its relations) more permanently, she would have to leave her young children there. She was anxious about how they would be treated if she left them there. Although the family had a large house, they had refused to pay any expenses for her children since her husband's disappearance and she had already had to request money from her *māitī* to support them.

Relationships between women whose husbands have disappeared and their *ghar* had often become increasingly strained. Unwanted sexual advances and attempted rape were extreme (but not unusual) examples of the severe disruption in family relations that some women had faced. After a husband's disappearance, his ambiguous status is transferred onto his wife, making her position unstable and jeopardising her often already fragile relational position within families. Ambiguity in social categories is classically linked with a sense of danger and pollution (Douglas 1970; Turner 1967: 97). Some women had faced accusations of being a witch and had been blamed for bringing misfortune to their families. In certain instances, this had included being blamed for the husband's disappearance. The stigma they faced added to their social isolation and had increased their emotional distress. Several women



spoke of being taunted by neighbours telling them that their husbands were dead and would not return and asking why they had not taken the dress of widows.<sup>89</sup> Many women faced frequent accusations of having relationships with other men and were unable to speak with an unrelated man without risking such accusations. These accusations and rumours increased for women who moved ‘outside’ of the village, even when their purpose was to search for their husbands and to attend activities of the local victims’ organisation.

These women live “in between,” suspended between being wives with absent husbands, and being widows. They have had to find ways to negotiate their ambiguous personhood and their positions *within* disrupted family and community relations. Although gender relations differ between caste groups and other ethnic groups in the district, most women were either living with their husbands’ families or close by. The relationship between a woman and her in-laws begins from an insecure position for women living in such social circumstances in Nepal: it requires work to make relationships and to be recognised within the marital home (see for example Ahearn 2001; Bennett 1983; Cameron 1998). Within high-caste Hindu families, Bennett has described the process of establishing relations through service to the husband and family, and the importance of motherhood in establishing the woman’s position (1983: 181, 256). Amongst the Dangaura Tharu, McDonough (2000) has described how relatedness is constructed through connections with divinities, which are differentiated by gender. He highlights the mother’s role at the marriage of the first son and shows how this is an important step in her integration in the marital household and clan, as it is the first time she officiates in the ceremonies to her husband’s divinities (2000: 27). This explains why younger wives and women without sons in the Tharu community were generally in a more vulnerable position in their family relations than older women. The age of a woman, whether or not she has children, the age and gender of her children and whether or not she is living with her husband’s extended family, all have different implications for her position and role within a family. These factors have influenced women’s experiences after their husbands’ disappearance, and have shaped how others have responded to them. Cameron has highlighted that the vulnerability of the daughter-in-law’s position: “Without a kind husband or with no husband at all (as in the case of widows), women are ambiguous members of the marital home” (1998: 191). For wives of the disappeared, the uncertainty about their husbands’ fate exacerbates this ambiguity and their already fragile position.

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<sup>89</sup> The issue of dress was particularly an issue for women from Hindu caste groups.

For several wives, relations with their in-laws had deteriorated to the extent that they had taken the decision to separate from their in-laws household since the disappearance of their husbands. When a household split, the wife risked being denied her husband's share of land, or being left without sufficient means to provide for the basic needs of her family. Kumari lived with her three daughters in a Tharu village next door to her mother-in-law and sister-in-law. There had been a bitter dispute and break down in relations, which had led to them separating their households. Their home still shared a roof but had been divided by the placing tall cupboards and the grain storage vessels (*deheri*) down the middle of the main space. Kumari had been unable to receive the share of the family land (*aṇsa*) that would have been the legal entitlement of her husband, because she did not have a death certificate by which she could make the claim on his behalf. The *badghar* (Tharu village leader) had negotiated an arrangement between her and her in-laws which gave her access to five *kaṭṭha* of land. This was less than her legal entitlement and the agreement was not legally secured, but had the approval of the community leaders. Disputes were continuing between her and her in-laws about access to the family god which lay in the portion of the house that had been assigned to her. On at least one occasion, she noticed that they had stolen in to worship the god whilst she and her children were out. What defined the separation of a household was that relatives no longer ate together or worked communally on shared land. It was common that families who separated were still living in very close physical proximity, sharing different parts of the same building, like Kumari, or different buildings around the same courtyard. In these cases women inevitably continued to see their in-laws frequently and opportunities for continuing tensions remained, as is illustrated in the account that follows.

Tara was on the committee of the local victim's organisation and I had met her frequently at meetings and events. She was a little older than some of the other wives and from a high-caste family. Her eldest daughter was already married and she lived with her two younger daughters. On one occasion I had visited her family home at the side of a large courtyard which she shared with her parents-in-law. We had been invited to sit in the shade of a large mango tree in the middle of the courtyard to drink water when we arrived, but had moved into the privacy of her rooms to speak further. She explained that her husband had been arrested from a nearby village whilst out on business on his motorbike. He was taken to the District Police station from where he disappeared some days later. The family believed that an informer had given the police his motorbike number and said that he had helped the



Maoists.<sup>90</sup> Tara had gone to Gulariya to visit the police station three or four times, but they had not allowed her to meet her husband. The last time she tried they had even refused to pass on the food she had brought for him, telling her that her husband was no longer there. On that occasion, she described how the DSP had scolded her and told her that her husband had been disappeared. Some time after this an article had appeared in a local newspaper reporting that he had been shot. She went back to the police station with other women and demanded that they give her either his *lās* (dead body) or his *sās* (living body (lit. 'breath')). The DSP had refused and threatened her saying he would also shoot her. After this she had not returned there again.

She had been staying in a joint household with her parents-in-law at that time. However, after her husband disappeared she had not been able to give as much attention to household work, because she had gone to many places to search for her husband. As a result tensions had risen and their household had separated. She recalled that when her husband had been there, her parents-in-law had loved her and treated her well, but that this had changed: "After he disappeared, even though I was family, they did not have any regard for me or my children any longer." It was evident that this change in their relationship had distressed her, especially when she saw her in-laws distancing themselves from her daughters and no longer giving them support for their studies.

For Tara, as for many other women, even though she had received information that her husband had been killed, the lack of detailed evidence and the fact that his body was not returned, compelled her to continue to search for information about him. Actively searching for a husband was also a means through which these women could continue to demonstrate and perform their commitment to their husbands and their role as wives: "loss must be insisted upon, otherwise the value of the lost relationship may seem disparaged" (Zur 1998: 204 citing Marris 1975).

Through searching for her husband, Tara met other women whose husbands had disappeared and found support and solace in the times she shared with them. She described the support she received through participating in a training programme for conflict victims run by a local NGO:

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<sup>90</sup> There were suspicions that his disappearance had been instigated as a matter of revenge for accusations he faced.

After this programme it was much easier. I got to know other people. There were many other people who had suffered. [...] I realised that there were other people like me. It was not only I who had experienced these things... [The human rights worker] said, "This isn't only your pain, it's the pain of the whole country".

Meeting other women who had also lost their husbands was an important step in moving on from the isolation, which she had experienced immediately after her husband's disappearance. The comment of the NGO worker had encouraged her to believe that others were concerned about her pain. However, there were also negative repercussions of her involvement in these meetings. The time she spent outside the family home had further jeopardised her relations with her in-laws and influenced their decision to split the household. The contradictory pulls between the duties of a wife committed to searching for her husband, and the duties of a daughter-in-law and mother within the family, were what made negotiating relations after a disappearance so complicated for Tara and many others.

Tara described how more recently, after receiving relief money from the Government, her parents-in-law had begun to say that they wanted to perform the death rituals for their son. She was opposed to this and explained:

It is different for widows and the wives of the disappeared. [Widows] have had their information (*jānakāri*). Until now we have had no information. And because we have had no information, we have not done the death rituals (*kriyā-karma*). Because we haven't done this, people in the community say: your person has already died and you haven't done [the correct rituals]... This is what they say - people in the community and also in the *ghar*. [...] But I said, "We haven't had information. How can we do the death rituals?"

With the passing of time her parents-in-law had become willing to accept the death of their son and had spoken of performing death rituals. Tara was resisting this, unwilling to accept her husband's death until they had clear information about what had happened to him. To perform the death rituals would mean that she would become a widow, breaking the relationship with him as a wife that she still held on to. Thus the desires of the wife and parents-in-law came to be at odds.

Ambiguity about the status of the disappeared also affected women's relationships with their children. Kamala had spoken to me one day about her mental anguish concerning her difficulties in explaining her husband's absence to her children whilst his status remained uncertain: "Will he come or will he not come? I don't know...." She had searched for information: "I went to the ICRC. They said that the army had said that my husband was going for training with the Maoists, therefore, they had killed him." However, her uncertainty was not dispersed by this information:

Until now I feel that my husband will come back. I do not like it when people say that the army killed him. It is our right to know what happened, where our person [relative] is. If he had been killed I could tell the children that he has died, but now I can't say if he is alive or dead.

Without any further details, and having been unable to recover her husband's body, an acute sense of ambiguity remained. Kamala was unable to tell her children what had happened. However, others in the community had come to their own conclusions that he had been killed and had attempted to exclude her children from important rituals after her husband's disappearance:

People were saying to my daughter, "Your father has died. You should not take Dasain *tika* or re-plaster your house."<sup>91</sup> This had mental effects on her and now she is weak in her studies.

My son was in class 4 when his father disappeared. People said that they had read in the paper that [his father] had died and it would be inauspicious (*asubha*) to do his thread-tying ceremony.<sup>92</sup> But I did not look at the newspaper and I went quickly to the temple to do the thread tying.

In relation to her son's thread-tying Kamala had been able to ignore the community, but these comments had distressed her children. When there are threats to withhold access to such rituals, the social development of children within the specific cultural and religious progressions of personhood is threatened. This illustrates clearly how disappearances do not only disrupt the social progression of personhood for the person disappeared, but also for their family members.

On one occasion Kamala had been going to attend a training programme organised by an NGO working with conflict victims, when her daughter had insisted on going with her. She had said: "This time I will go. You are not able to ask them where father is!" On her daughter's insistence, Kamala had taken the girl with her. The girl had asked someone in the organisation about her father and the person had responded: "He is disappeared. He will come." She was not given the certainty she had hoped for, but instead a confusing assurance that he would return. On another occasion when Kamala and her daughter had been travelling on a bus, the army had stopped the bus to conduct a security check and a soldier had asked her daughter where her father was. The girl had replied: "Someone who looked

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<sup>91</sup> Dasain (*dasai*) is the largest festival in Nepal celebrating the triumph of the Hindu goddess Durga over evil. It marks the beginning of the harvest season and is a major national holiday in Nepal when many people travel to their *ghar* to be with their families.

<sup>92</sup> She was referring to the initiation ceremony for Brahmin boys when they receive the sacred thread (cf. Bennett 1983: 127).

like you took him.” Kamala’s distress about how the ambiguous loss of her husband has affected her children continued to trouble her. Several women shared similar concerns about their children, describing them as having been “mentally affected” by their husbands’ disappearances, having become slow in their studies or disturbed in other ways.<sup>93</sup>

Additional difficulties and risks were faced by women in the process of pursuing information about their husbands and participating in activities for conflict victims. Kamala outlined the practical problems women were facing and expressed her fears:

Sometimes we don’t come back until 8-9pm. We have to walk alone. No-one looks out for us. People can rape us when we are on our own. If the Government quickly tells us, we won’t have the trouble of continuing our search, and the danger of this.

Moving outside the home entailed risks. Kamala, like many others, had undertaken these risks in order to search for her husband and resolve the ambiguity that she was facing. I asked her what the most important things were for her:

The most important things are to publish the whereabouts. If they have died there are rituals that we have to do at the time of death [to mark the anniversary]. And, then, to punish the perpetrators. If not, we will never have peace.

Her response highlighted starkly how silence about the details of disappearances and the ongoing uncertainty about the fate of the disappeared, have deeply unsettled and disturbed personal and social worlds. Neither have the disappeared returned, nor have their families been able to conduct the rituals of death, aiding the passage of the spirit from this life and granting the person appropriate respect. Kamala’s statement was unequivocal: living kin cannot feel at peace until they know the truth about the whereabouts and fate of their relatives, and until those responsible for their disappearances have been punished.

A woman’s ambiguous position within her family and community after her husband’s disappearance remains integrally linked to his uncertain status. In spite of difficulties, many of these women have sought ways to manage or counter their ambiguous position. The following extended case study gives an account of how far it was possible for one woman to renegotiate her position in the family.

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<sup>93</sup> Very little attention has been given to the particular difficulties faced by children of the disappeared in Nepal. For ethnographic work more broadly on children’s experience of the conflict see Pettigrew (2007).

## Sunita

Sunita had arrived in Gulariya the previous day to visit one of the local government offices, but had not managed to complete her work and so had stayed with me in the small guest house overnight. That morning, before the office re-opened, I took the opportunity to ask a little more about her life history. Sunita was more confident than other Tharu women I had met, and I was intrigued to learn about her experiences. Like many women, she lived with her parents-in-law. Her husband's brothers had been working in India for some years and their households had already separated, leaving Sunita with her elderly parents-in-law and her two young children. Since her husband had disappeared, she had had to take on the responsibility for providing for the family. In doing this, she had been compelled to make difficult choices between work, children and home in order to negotiate her new responsibilities. The narrative she shared was of a person who had been courageous in responding to the hardships she had faced, and had managed to continue to forge a sense of self through these struggles and challenges (cf. Des Chenes 1998).

Sunita's natal home had been very poor. She had had to stay at home to help with the household work whilst her brothers went to school. She described how she had eloped as a teenager, only to discover, with disappointment, that her husband's family were even poorer than her own. Life had continued to be a struggle, but her husband was a good man who worked hard. Her relations with her in-laws had been difficult, particularly after she gave birth to her first child, who was a daughter and not the son they would have favoured.

She spoke calmly and clearly as she recounted the events surrounding her husband's disappearance. He had returned from his work in India for a family visit. She had attempted to persuade him to leave again immediately because it was the time of the Emergency, but he insisted on staying to help the family until the planting season was over. One night the army had broken into the family home as they were sleeping:

We were together in the room. My husband was with our daughter sleeping and I was with our son. Mother and father were sleeping outside. The army came into the house and woke us. They asked my husband his name. He said, "I'm D. B." Then they told him to go with them.

Sunita recalled that her husband had wanted to change his clothes, but the soldiers had said to him, "No, you don't need to dress; it is just for a minute, just to ask some questions." In conversation with Sunita's in-laws on another occasion, they had shared further details. They described how four or five soldiers had entered the house shouting, and with a small light had searched everywhere in the house, even in their rice store. They had then checked their

son's name on a list. Her in-laws had expressed much greater fear than Sunita. Her account emphasised her courage rather than her fear. When the soldiers had taken her husband from their house, she described how she had followed with her children until she came to a part of the village where the soldiers had gathered:

Reaching there I asked them, "Why have you brought my husband here?" They said they need to ask him some things. I asked, "What's happened? What do you need to ask him about?" and they said it was nothing. [Pause.] And then he's not returned, until now.

Sunita had followed the army and boldly challenged them in an attempt to save her husband. Even as the extraordinary event of her husband's disappearance was unfolding around her and the soldiers were taking her husband away, she tried to question what they were doing. With her children there, it was a desperate gesture to hold on to the ordinary as their family was about to be torn apart. The soldiers' suggestions that they were taking her husband "just for a minute" and the response to her later questions, that it was "nothing," reflected a sinister complicity in this pretence to the ordinary. Even at this early stage they were denying what was actually occurring.

Her husband was not the only person to have been taken from their village that night. Five people were disappeared, including another man who shared the same name as her husband.<sup>94</sup> After her husband had been taken, she had approached others in the village for help, but they had been too afraid, saying:

"Where can we go at this time? It's the Emergency. You will also have to come and look for us too. They will kill us."

One of those who was taken that night was later released, a boy whose family had connections and were able to negotiate his release. However, for Sunita and the others, they did not have the 'source' or connections to be able to press the authorities to release their relatives.<sup>95</sup>

Sunita's relationships with her in-laws had long been difficult, but following her husband's disappearance their relationship deteriorated further. She described how it had reached a crisis point when her father-in-law made attempts to rape her. Sunita had remained calm as she had described the events of her husband's disappearance. It was only as she recounted

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<sup>94</sup> Raising the question of whether one was a case of mistaken identity.

<sup>95</sup> Colloquially in Nepal, people often use the English words 'source' and 'force' to refer to having powerful connections, able to influence the relevant authorities.

what had happened afterwards that her tone of voice changed and the emotional stress of the attempted rape and strained relations with her parents-in-law became apparent. She described how she had challenged him saying:

“Why are you doing this? Your son is not here, but I am here. Do you think of me so badly that you would do this?”

Her father-in-law had spread rumours in the village that she was sleeping with other men, so when she had gone to neighbours for help, they had not offered support, but instead had blamed her for what had happened. She described how for many days she was too afraid to sleep at home and had taken refuge at her elder brother-in-law’s house. However, after some time he had told her that she should return home. She was in tears as she recalled what had happened. We were silent from some time before she chose to resume her account.

Some time after this incident, an opportunity arose through an uncle for her to migrate to work in the Middle East. She had been struggling to secure a livelihood for the family and decided to pursue this opportunity.<sup>96</sup> Her father-in-law reacted angrily at first and refused to let her go, but after some time her mother-in-law agreed that she would look after the children, enabling her to take up the opportunity. Sunita described how her decision to leave her children had been an agonising one: “I did not know if [my parents-in-law] would look after the children well or not, as they were so poor.” She faced further criticism both within her family and from the local community for leaving her children and her home, but given the difficulties of her family’s situation she felt she had little choice.

Sunita worked in the Middle East as a domestic worker for two and a half years. She showed me her visa pointing to the photo, explaining that she had had to wear a veil and chador if she went outside the house. She had learnt a little Arabic to communicate with the family she worked for. It had been difficult, however, to keep in touch with her family at home and she had ongoing worries about her children. When she returned, she faced accusations from people in the village, those she described as “*na bujheko mānche*” (lit.: ‘people who do not understand’), that again focused on claims that she had been sleeping with other men. Some villagers had even accused her of being infected with HIV, and she had gone to the extent of going to the clinic to be tested to prove them wrong. Despite these reactions from the villagers to her work abroad, her relations with her in-laws did improve. She was able to

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<sup>96</sup> Accounts of migration were not common amongst the relatives I spoke with, but I heard of a few other women who had gone to work in the Middle East after their husbands disappeared, and I met a woman who had taken her family to work in India for a season, following an established route.

rebuild their home with the money she had earned abroad and she had come back in a spirit of conciliation:

I told them, “Even though you have given me pain, I will not give you pain. [...] Even though you do not have a son I will be like your son and look after you.”

After this her in-laws had stopped speaking badly in front of her, and the family were managing to live together more amicably. The way in which she described her improved relations with her in-laws, suggested that, alongside their criticism of her going abroad, there was also a certain respect for her newly developed knowledge and experience “outside” (*bāhira*).<sup>97</sup> The fact that she was able to bring an income to the impoverished household was an important factor. Even though her status and her relations improved within the family, she continued to face criticism and accusations both within the family and from the wider community. Yet, despite these accusations, she had insisted on continuing to move around the district to attend meetings with other conflict victims, and for work related to her husband’s disappearance.

It was through activities *outside* of her everyday that Sunita had had the opportunity to forge a new sense of self. However, in spite of this, and although she had been able to improve the family’s economic conditions and renegotiate relations with her in-laws to some extent, her husband’s uncertain status meant that her own status remained ambiguous:

We are in between. We do not know if they have been killed or if they are keeping them somewhere. It is very hard.

When she spoke about her work in the Middle East, Sunita had explained, “I was hoping that if I was able to earn money then I might be able to get my husband released.” She had held on to a hope that her husband might still be alive. She has been able to ameliorate some of the effects of his absence on the household, but she has not been able to find him or to find information about his whereabouts.

## **Repositioning: Countering Ambiguity**

Given the official silence from the state regarding their disappeared relatives’ status, a small number of women in the district had taken steps themselves to stem the repercussions of the ambiguity. Some women had decided to request death certificates for their disappeared kin

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<sup>97</sup> Issues related to gender and labour migration in Nepal have been explored by Adhikari (2011) in her work on nurse migration.



from the local VDC office, and several obtained these. Others had taken the decision to remarry, a choice that had differing consequences depending on how acceptable such remarriage was within their families and communities. Both obtaining a death certificate and choosing to remarry were choices that distanced these women socially and legally from their disappeared husbands. Neither of these were straightforward choices and often compelling external factors had played an important part in their decisions.

I first heard about relatives of the disappeared applying for death certificates when the social worker from the victim's association received a telephone call one day. A Tharu woman whose husband had disappeared was asking for his advice on whether or not she should apply for a death certificate. Her extended family were in the process of dividing the family land to apportion shares to each brother. She had been advised that in order to receive her husband's entitlement she would have to have his death certificate and she could obtain this from the VDC office. Without a death certificate she had no legal right to make a claim, her own legal position being in limbo. There is a provision within Nepali law for obtaining a death certificate without a body if a person has been missing for twelve years, but technically it is not possible to obtain one before this. In practice, whilst some women in the district had been refused, several had had little difficulty in obtaining death certificates for their disappeared husbands from their VDC offices. In other instances, women whose husbands had been disappeared by the Maoists had chosen to apply for death certificates when they had been given the opportunity to apply for government compensation for families of those who had been killed by the Maoists. For similar reasons, several families had been considering applying for death certificates at the time of my fieldwork, having heard rumours that a new government fund was about to be distributed to families of those killed by the state.<sup>98</sup>

One woman who had obtained a death certificate for her husband was Gita. She described how her husband had been abducted by Maoists from the road near their home. He was a farmer and had been with a friend who was on leave from the army. Both men were abducted as they had walked along the road, along with one other man who was later released. This man had been too terrified to tell anyone what had happened. Later they had heard reports that the men had been taken to a house in another village. Local people had

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<sup>98</sup> At that time, it was believed that similar payments for families of those disappeared by the state would come only later, if at all. (This locally circulating knowledge had a basis in the statement on relief in the *23-Point Agreement by the Seven-Party Alliance*, 23 December 2007.)

seen the men, who were blindfolded, with the Maoists. They had heard screams which suggested these men had been badly tortured. A new grave had been found near that place. It had raised suspicion because the grave was orientated East-West rather than North-South which was the traditional orientation for burial amongst the Tharu community (see Rajaure 1982: 223). Local people had also reported finding clothes there. The father of her husband's friend, who was on leave from the army, had gone to see the place first. He had been told by local people that others had come and dug in the graves, and had said that the people buried there were Pahari and not Tharu. He told Gita that he believed the grave was deeper and their relatives could also have been there. Gita visited the place some time later. She did not see any clothes, but she did see the spot where the ground had been dug, that could have been a grave. She had also seen a plastic rope that she thought could have been used to torture and kill the men.

Gita had submitted the required forms at the VDC office and had obtained her husband's death certificate. Although the procedure itself had been straightforward, the different social pressures, family dynamics and economic factors that had influenced her action to obtain it were far more complex. It was the combination of several factors that had persuaded her. Her mother and father-in-law had come to a decision that they should apply for a death certificate, and it would have been very hard for her to refute her parents-in-law's decision. They had heard reports that her husband had been killed, including, through intermediaries, from the Maoists. She herself had seen the place where it was reported to have happened. Many relatives, both from her *ghar* and her *māitī*, had advised her to apply for the death certificate, including an older brother who was in the police and whose advice she trusted. Gita's family had heard that other relatives of those disappeared by the Maoists in the district had accessed government compensation after obtaining death certificates, and so they had put pressure on her to apply, believing that they also would be able to access relief.<sup>99</sup> In addition to all these factors, neighbours in the village had been constantly challenging Gita about whether her husband was alive or dead. The questioning and taunting from neighbours and the increasingly aligned opinion of her relatives that they should apply for the death certificate had worn down her strength. Despite the fact that she said that in her heart (*man*) she had not wanted to, she had been variously cajoled, compelled and persuaded by these different factors. She remarked:

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<sup>99</sup> There was a highly disproportionate number of families of those who had been disappeared by the Maoists who had obtained death certificates, compared with those disappeared by the state. Amongst those I spoke with, the factors for this appeared to have been broad and they did not mention any political coercion.

At first I did not believe he was dead because he was my husband and I had not seen him abducted or seen the spot where he had been killed. I thought he could be anywhere working. But now it has been many years and I have not heard from him.

Her hope that he may still be alive had grown frail.

Significantly, although they had obtained the death certificate, the family had not conducted the last rites for her husband. There had been more taunts from neighbours that they should perform the last rites, but so far the family had chosen not to do this.<sup>100</sup> Even after obtaining the legal certification of death, a space to doubt its efficacy remained. Only the cultural rites would fully confirm his death and make it socially recognised. Gita explained, “The ceremony means it is 100 per cent proved.” This difference between legal and socio-cultural acknowledgement of death, between the piece of paper and the cultural rite, was significant. Documents were perceived as important for their instrumental effects (see Chapter Five), and yet there was widespread experience that paperwork could be ‘fixed’ and regulations twisted. The legal signature behind the death certificate ultimately did not hold the same authority as the cultural ritual. This is why women’s demands were repeatedly for the return of their husband’s *sās* or *lās*.

Although some women had been persuaded to apply for death certificates for very practical reasons, other women remained uncomfortable with doing so, or rejected the possibility outright. Sunita had said:

Even if we do have problems, I don’t know how we can get a death certificate? I don’t know how people can do this? [Name of neighbour] has made a death certificate. The Party said that [her husband] had died, but she has not seen a body. I don’t know how you can do this if you haven’t got the body.

Until now we don’t know if they have killed them or if they have disappeared them and put them somewhere. This is what we are trying to find out now. This is why we can’t make the death certificate. [...] Even if I have problems, I won’t make a death certificate until all the families have information and then we will all make them together.

For her, the act of applying for a death certificate was not possible if you had not seen a body. It was interesting that the only circumstance she could comprehend applying for a death certificate otherwise, was if all the families had been given information about their relatives and had come to a collective decision.

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<sup>100</sup> Other families I knew who had obtained death certificates had also not conducted the last rites, except in one case of a high-caste Hindu family.

Obtaining a death certificate repositioned the relationship between a wife and her disappeared husband, in legal terms. Some human rights workers were concerned about this and were urging women not to apply for death certificates for this reason. Gita, and other women who had chosen to apply for death certificates, remained anxious about whether this had been the best decision. In the official requirement to obtain death certificates in order to access their share of family land, scholarships for their children, or, at least initially, relief money, the structural violence of legal and bureaucratic hurdles became evident. This created heightened psychological tension for women, forcing them to choose between an ongoing connection to their husbands and better prospects for the future of their families. Additionally, with no official acknowledgement of death, they were put in the incredibly difficult position that by requesting a death certificate they were officially declaring the husband's death.

A second way in which some women had repositioned their relationship with the disappeared, and attempted to regularise their ambiguous position, was through remarriage. Remarriage was a contentious issue and many women whose husbands had disappeared opposed it, understanding it as a break in the relationship with the disappeared husband and, implicitly, an acceptance that he would not return.<sup>101</sup> From fragments of stories and accounts, I became aware that the choices of those who had remarried had been embedded within complicated dilemmas and compromises, as they sought ways to live with loss and respond to the persistent pressures and challenges of their families' needs. Remarriage has been ritually restricted for high-caste Hindu women in Nepal because of the implications for family honour (*ijjat*), but was a possibility for low-caste Hindu women (Cameron 1998:59) and Janajatis (Manchanda 2004: 245). However, even for high-caste women there have been historical variations in the practice of such restrictions (see von Fürer-Haimendorf 1957: 249). In contemporary Nepal, these restrictions were being challenged by the Maoists. In an article entitled 'Women's Leadership and the Revolution in Nepal,' written by Comrade Parvati, Central Committee Member and Head of Women's Department of CPN (Maoist), the remarriage of widows of martyrs was endorsed, although this came with the important caveat that the woman must remain committed to the movement and these new unions required the approval of the party.<sup>102</sup>

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<sup>101</sup> Research conducted by ICTJ between October 2012 and January 2013 with 462 wives of people who had disappeared (including a large number from Bardiya) suggests that one in ten had remarried (2013).

<sup>102</sup> Published 21<sup>st</sup> February 2003 <http://www.monthlyreview.org/0203parvati.htm>. Comrade Parvati is also known as Hisila Yami, wife of Maoist leader Baburam Bhattarai.

Within Tharu communities in the district, there were several cases of a woman remarrying after the disappearance of her husband.<sup>103</sup> If there had been no children with the husband who had disappeared, remarriage was common. Remarriage to an unmarried brother in the same family was culturally approved with the agreement of the husband's parents, but such a marriage was not always possible if there were no unmarried brothers available, nor was it always desired by the parties involved. If there were already children, remarriage outside of the family was less acceptable and women who chose to remarry in these circumstances were often criticised within the community. The choice to remarry outside of the family was made even more difficult because it would usually involve the woman having to leave her children, who would be expected to remain in their natal home (cf. Cameron 1998:172).

Sarita had remarried the year before I visited her in her new home, a small hut in the middle of a line of similar huts on a landless persons' settlement. The settlement was situated in an open area, lacking the shade-providing trees of an established Tharu village. At the time of her first husband's disappearance, six years previously, Sarita had lived with him and their two children, his elderly parents and her husband's younger brother. This younger brother had been unmarried at the time and had initially treated her with respect, but after his brother disappeared he began to 'visit' Sarita. His advances had been unwanted and she had challenged him. A few months later, he had married and following this he had demanded that they split the household. Sarita mentioned that it was known in the community that the two brothers had not got along. She described how he had taken the best parts of the property and land for himself and it was only community pressure that made him relinquish some of the property to Sarita. Even with the community's intervention, this had not been enough for her to provide for herself and her children, and she had had to request support from her *māitī*. Her *māitī* had helped her, but they had been unable to offer her long-term support.

When we spoke about her remarriage, she told me that no-one had advised her to remarry; her new husband had simply asked her to come and she had. She did, however, mention that it was neighbours who had introduced them. Her new husband was a widower with no children. She had maintained contact with her children and parents-in-law, since her remarriage, but her relationship with her brother-in-law remained strained. Sarita framed her decision to remarry within the context of the family's economic difficulties and her struggle

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<sup>103</sup> It was common to refer to sexual partnership between a man and a woman as 'marriage' whether or not this was officially formalised through a marriage ritual.

to provide for her children. She emphasised that she had not brought anything with her after she remarried. She had even gone back to help them harvest the rice she had planted and had not asked for any share of the crop. She was still attempting to do what she could to provide for her children, even though her circumstances had made this extremely difficult.

For women, remarriage entailed ‘un-becoming’ a victim.<sup>104</sup> LaCapra has noted:

‘Victim’ is not a psychological category. It is, in variable ways, a social, political, and ethical category (1999: 723).

This is important for the ways it impinges on issues of acknowledgement and the recognition of suffering. A woman’s claims to victimhood are not established on the basis of personal suffering, but only through her relationship to the disappeared person. When a woman remarried, she lost her legal entitlement to relief money. Furthermore, she was socially rejected as a victim, because by remarrying she was perceived as having abandoned her disappeared husband. This was threatening to those who were attempting to hold on to their own fragile relationships to their absent husbands. This gives some explanation as to why wives of the disappeared who remarried were often excluded from the community of relatives of the disappeared, no longer welcome at the programmes of the victims’ association or the activities organised for relatives by the Party. Some women had been asked by officials during the relief process if they were planning to remarry, an implicit threat that they could withhold the relief money. Women who had experienced this had found it deeply offensive.

Remarriage signalled a break in the relationship with the disappeared in a different way for women than for men. Far fewer men were in this position, as far fewer women had disappeared, and those who had were generally younger and unmarried.<sup>105</sup> However, it was not only socially acceptable but expected that such men would remarry. Technically the entitlement for relief money would pass to the children, but as the children were likely to be living in the same household, in effect the husband would still benefit. I met only one man whose wife had disappeared. He had remarried and continued to be involved in leading the Maoists’ work with families of the disappeared in the district. That it was socially accepted

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<sup>104</sup> Compare with Das’s detailed account of young widows in the aftermath of the Sikh riots in Delhi not being allowed to grieve their husbands, and being *expected* by the community to remarry (1990: 369).

<sup>105</sup> Of the 31 females disappeared in the district, all but two were 24 years old or younger. Ten were girls under the age of 18 (data from ICRC 2013). There were at least two cases in which both husband and wife disappeared.

for remarried men to continue to be identified with disappeared wives, and not vice versa, is a result of broader gender norms and expectations around remarriage.<sup>106</sup>

For women whose husbands had disappeared, remarriage was a repositioning of the self, in contrast to obtaining a death certificate, which was a step towards repositioning the disappeared person as a person who had died. When a woman remarried it involved moving away from the ambiguity of being the wife of a disappeared husband, to being socially recognised as the wife of another man. Within the Tharu community, when a woman remarried her brother-in-law, it re-established her position within the family. Where she remarried outside of the family, she removed herself from the disrupted family relations. It is important to recognise the agency involved in such actions, and yet also to realise the constraints and difficulties under which such choices were made, and how these were embedded for these women within the intricacies of negotiations of other relations (cf. Zur 1998). Although their choices were taken in order to relieve suffering in different ways – to appease parents-in-law, to access relief money, to counter community criticism, or to remove oneself from difficult family relations – these women’s experiences illustrate that their choices have often led to new kinds of criticism and stigma.

## Conclusion

It is within the everyday, in the different ways in which relatives live with the ambiguity of the disappeared person’s loss and the pain of their absence, that the evolving repercussions and effects of disappearances become visible. Women have faced particular difficulties because of the gendered ways in which the absence of a disappeared husband has disrupted their relations within families, as well as their relations within communities and their legal position in relation to the state. That some wives of the disappeared have become vulnerable to unwanted sexual advances within their families is illustrative of this disruption of relations. Disappearances have unsettled the moral order. In the wake of disappearances, the uncertainty of the person’s loss and the absence of a body prevented most families, even those who had obtained death certificates, from performing mourning rituals that would have allowed the person to be appropriately separated from the social world and could have reaffirmed the moral order (see Shah 2008: 483). Without these rituals, wives of the disappeared have been left vulnerable in liminal, ambiguous positions.

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<sup>106</sup> Statistics from the most recent census give an indication of how much more common remarriage is for a widower than for a widow (Central Bureau of Statistics 2012).

The disappeared person's absence and uncertain fate has critically disrupted the social processes through which personhood and social relations are enacted and transformed. The identity and role of a woman as a wife is fundamentally challenged by her disappeared husband's absence. Women were in a confusing situation, needing to reassert their identity as wives by finding new ways to perform and affirm their connection with their husbands. Whilst at the same time they were being compelled to take on more and more of the responsibilities that had previously been their husbands, thus assuming more of his role. As well as on their social identities, this had implications on their sense of self. Zur has explained that:

Not knowing the fate of the dead and disappeared increases the trauma for the living who need to redefine themselves in the light of these events because "with losses people lose aspects of the self, aspects of social and personal identity" (1998: 207 citing Oliver-Smith 1986: 184).

The ways in which these women have responded to their ambiguous positions, and renegotiated their relations in response to the repercussions of their husbands' absence, have been influenced by their personal histories, the threats and opportunities they have faced and their particular household's circumstances. The age of a woman, her ethnicity or caste group, whether she has had children, how old her children are, whether she has any sons, whether she lives with her extended family, the economic circumstances of her household and her relationships with her *māiti*, have all been important factors that have shaped experiences of loss.

Das's notion of "fragments" describes that which survives in spite of devastation but can no longer be assembled as a whole (2007: 5-6). After the violent rupture of disappearances, women have had to pick up the fragments of their lives and find ways to hold on to these, whilst they have searched for their husbands and taken on additional responsibilities for the household. Unlike Ama in the previous chapter, it has been *outside* the spaces of their ordinary lives that these younger women have found the resources to renegotiate their ambiguous positions, and found strength to live with the difficulties they have faced. It is through connections with actors outside the home that they have been encouraged to hold on to hope that they might trace their husbands or find justice for their loss. They have found solidarity with other women searching for their husbands, and new relationships with human rights activists, humanitarian workers and others who have made promises to find information about their relatives. A small number of women, like Sunita, have taken on new



work opportunities that have given them additional economic resources to enable them to renegotiate their relationships in their households.

Wives of the disappeared have faced severe emotional and psychological distress due to the uncertainty about the disappeared relative's status. Writing about the First World War, Winter has observed: "families of missing men were put in an excruciatingly difficult position: aware that something dreadful had happened but unable to identify how bad it was" (1995: 36). In Nepal, wives of the disappeared have faced a similarly excruciating uncertainty. In the case of the disappeared who have been *made* to go missing, wives have either had to find ways to insistently re-emphasise their relationship to the disappeared, refusing to accept the finality of their loss and hoping against hope that their relatives might return; or they have had to take the emotionally and psychologically distressing decision to accept the husband's death in the absence of any official acknowledgement. Yet, through neither action can their loss be fully confirmed or their ambiguous position resolved. The ethical concerns raised in this chapter about the tension between absence and loss, and between the abstract and the particular, as well as the question integral to these about how acknowledgement of the person is given or withheld, will be considered in more detail in the following chapters.

## Chapter 5. Documents, Human Rights Networks and Victimhood

If we don't document all the evidence, everything will be forgotten (*bismriti*). [...] The most important work of [the victims' organisation] is documentation. If we forget then we will not get justice. This will be to the advantage of criminals. (Human rights lawyer at CVC's AGM, January 2009)

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Lots of human rights organisations have come and asked questions and written things... but until now they have not told us what has happened. (Prem Devi, mother of a disappeared man, April 2009)

This chapter explores the ways in which encounters with human rights actors have offered relatives of the disappeared new ideas about the possibilities for pursuing justice, and an opportunity to re-imagine their own subjectivities. In a context where the Maoist movement and the People's War have already challenged traditional moral systems and changed the political landscape, the discourse of universal human rights has offered alternative moral and political visions. The discourse of universal human rights has brought with it powerful new subjectivities, in particular that of the 'conflict victim' (*dwandwa pīḍit*). How have relatives of the disappeared understood and engaged with ideas of 'human rights' (*mānab adhikār*), and the organisations who have addressed them as 'conflict victims'? What possibilities for understanding their experiences has the discourse of human rights offered? One of the principle messages of the human rights organisations has been about rights to justice (*nyāya*).<sup>107</sup> How did the notions of 'justice' promoted by these organisations resonate with, or diverge from, local notions of justice? What possibilities have opened for families to pursue claims about their specific disappeared relatives through engagement with human rights organisations? In framing these questions I draw from anthropological literature on the diversity of notions of justice and how justice pursued through human rights frameworks relate to local notions of justice (Kelly and Dembour 2007; Clarke 2007); and on the working of international human rights networks (Keck and Sikkink 1998; Tate 2007; Goodale and Merry 2007).

In Nepal there is a history of the use of human rights discourse in modern political struggles. The political campaigns for democracy in the lead up to the first *jan āndolan*, had been framed around a discourse of rights. Human rights were bound up with understandings of modernity, science and truth, envisioning a new morality in which sovereignty was invested

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<sup>107</sup> There is a contrast with the ICRC who have emphasised the right to know the truth about what happened to a relative.

in the individual person, in opposition to traditional morality in which people were subjects in a sacred body politic embodied by the King (Adams 1998). Human rights have been equally important in Nepal's self-presentation as a modern state in the aftermath of the conflict, see for example the speech by Prime Minister Pushpa Kamal Dahal (Prachanda) to the UN General Assembly in September 2008, and public statements made by Prime Minister Madav Kumar Nepal in February 2009 in response to the British Army Chief's visit.<sup>108</sup>

In the aftermath of the conflict, human rights organisations have sought to challenge impunity and fight for justice and the rule of law at a national level. Human rights discourse, appealing to international law beyond the realm of the state, has presented a powerful rhetoric of possibility and promise. This chapter uses documents and documentary practices as an ethnographic window into the complex arena of human rights activity and the relationships between the families of the disappeared, human rights organisations and the state in Nepal. It will explore a range of documents including: the papers kept by families that attest to the identity of their disappeared relatives and that documented their search; and the case documentation, research reports and other documents produced by NGOs. Tracing documents reveals how they take on different meanings for different actors. This attention to documents draws on anthropological work about the state in South Asia that has focused on communities living in the aftermath of violence who were in different ways located at the "margins of the state" (Das and Poole, 2004; Tarlo, 2001, 2003); and on the bureaucratic processes of development programmes (Harper 2005). As Bear has established, in her work on Indian railway families in West Bengal, "documents did not just create authority or record events, but were the medium through which social relations were contested and formed" (2007:15). She has studied documents as material artefacts, building on Herzfeld's work which explored documentary practices as legal and bureaucratic techniques of authority (ibid.). In a context where state authorities have remained silent on the fate of the disappeared, these issues become particularly pertinent.

The first sections will outline the development of two victims' organisations in Nepal: the Conflict Victims' Committee, Bardia (CVC) and the Conflict Victims' Society for Justice (CVSJ). The first grew from the grassroots when families came together as they began to

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<sup>108</sup> Prachanda's speech [http://www.un.org/ga/63/generaldebate/pdf/nepal\\_en.pdf](http://www.un.org/ga/63/generaldebate/pdf/nepal_en.pdf) (paragraph 14); MK Nepal's assurances - see for example 'Visiting UK Army Chief calls on PM Nepal', 07/02/10, [ekantipur.com](http://www.ekantipur.com), <http://www.ekantipur.com/2010/02/07/National/Visiting-UK-Army-Chief-calls-on-PM-Nepal/307952/>

search for their relatives; and the second was initiated by Advocacy Forum, a human rights organisation in Kathmandu, which aimed to create a national network of victims' groups. Both came to identify strongly with human rights discourse and the subjectivity of the 'conflict victim', and were strongly encouraged by human rights organisations to unite across the boundaries of politics. The different ways that contact with human rights organisations shaped the development of these organisations will be discussed, drawing on ethnography of a CVSJ victims' group meeting and CVC's AGM in 2009. Human rights workers met families of the disappeared whilst they were searching for their relatives, and offered these families a powerful discourse and practical resources for pursuing truth and justice for their relatives. Through this discourse relatives came to take on the identity of 'conflict victims.' The chapter traces human rights' workers pursuit of documentation of cases and how this documentation has been used, considering in particular the use of emblematic cases. The use of emblematic cases raises important issues about the tension between the particular and the general and how this relates to acknowledgement of the person; and about how the process of extracting a 'case' from a given context can draw attention away from a family's wider needs.

## **The Development of a Victims' Association**

Families of the disappeared in Bardiya began to meet during the time of the conflict as they searched for their relatives. Those whose relatives had disappeared from the same village described how they had travelled together to army barracks, searching for their relatives. There they met people from other villages whose relatives had also disappeared. Desperate to know what had happened to their relatives, families were eager to pursue all possibilities for contacting those who might be able to influence the authorities for their relatives' release. After his father's disappearance, Jagat had visited the offices of the ICRC, the NHRC and INSEC to report that he had seen his father in detention and to ask for their help in pursuing his release. He had passed on information to other families who did not know about these organisations. Speaking about this time, he had explained:

It's like this. For the families of the disappeared they will go to everyone to try and find the truth and where their relatives are.

The families visited these organisations several times, even though the organisations had made assurances to contact them if they heard anything further. Because the offices of these organisations were in the neighbouring district, the expenses and the time needed for these trips were significant and some families had had to take loans to cover the fares. Noticing

that the organisations were not able to give factual information about particular relatives but were instead giving them only general information about what to do, Jagat realised they would get the same information if just one person went. So he called together families of the disappeared from his area and they decided to form a group. All the families agreed to donate Rs. 20 each month to create a fund to help each other manage their expenses; paying the transport for one representative to visit the human rights organisations and providing a fund that members could borrow from for schools fees or in the case of illness.

The ICRC came to know about this fledgling group in Bardiya. They supported the idea that the group form a committee and suggested that they try to include families of the disappeared from across the district. The ICRC offered funds to help do this, and made a commitment to help them to collect information. Of all the organisations, the families had strong hopes that the ICRC could help them trace their relatives, because they had heard that the ICRC was “able to go into the barracks.” Its humanitarian remit and definitively neutral positioning meant that the ICRC was able to operate more freely than other agencies during the war. ICRC delegates could contact the authorities and make enquiries when people had gone missing. Working together with this group of families also enabled the ICRC to make contacts with other relatives of the missing in the district who may not have heard of them. In September 2005, a District Working Committee was formed, which included families of those disappeared by the state and by the Maoists.<sup>109</sup>

This Committee also formed close links with OHCHR, after its offices were established. OHCHR gave them further introductions to international human rights actors. One introduction to an NGO that focused on protection issues for human rights defenders, led to three members of the group, including Jagat, being invited to attend a training course with this organisation in Kathmandu. On the last day of this training, the organisers invited officials from embassies and journalists, and encouraged the relatives from Bardiya to speak about their experiences. Jagat recalled: “We explained that we had come together to form the group and our relatives had been disappeared by both sides.” One of the embassies was interested in working with them and suggested that they draft a project proposal. Jagat described how they had put together a project proposal to conduct documentation of the

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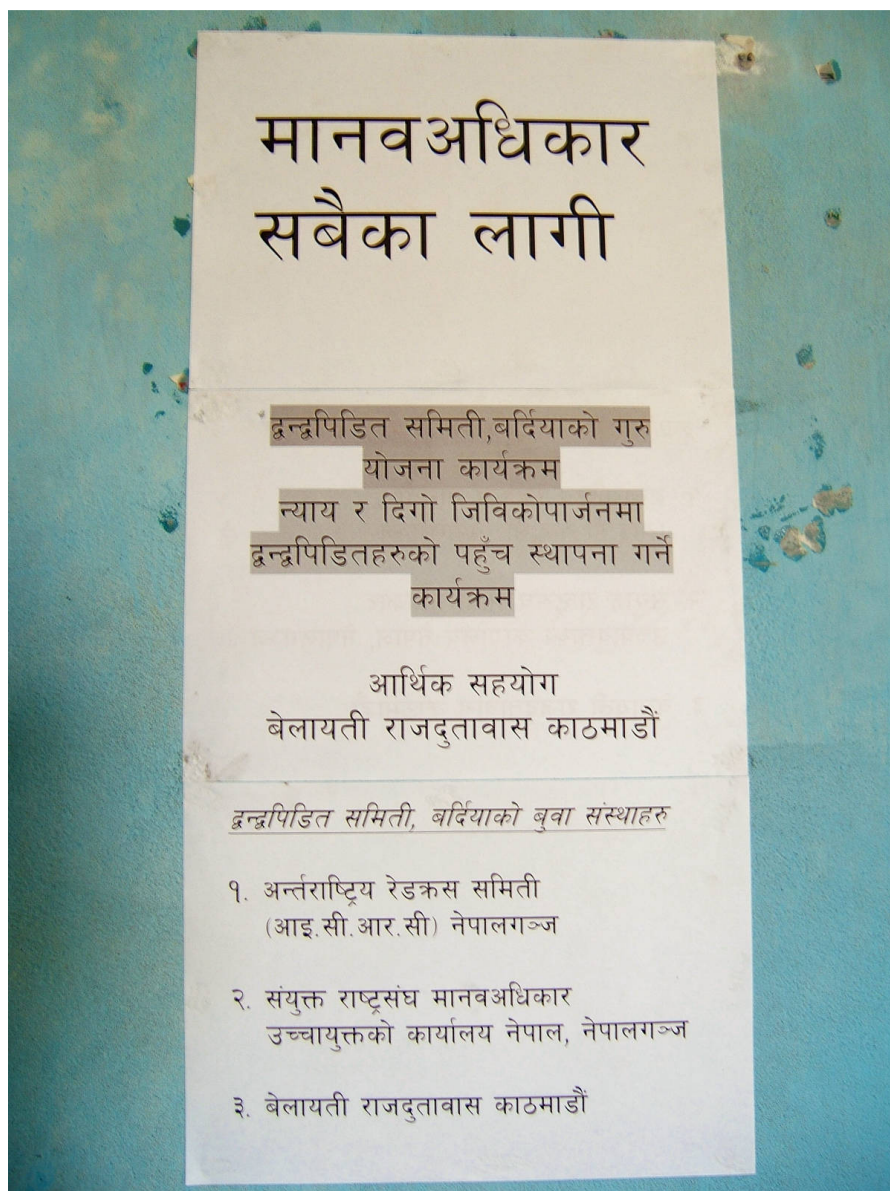
<sup>109</sup> In parallel to these developments, the Maoists had been contacting families in the district and linking them with SOFAD, their association for families of the disappeared (see Chapter 6). Some relatives had attended protest programmes in Kathmandu, and met others from the district through these programmes. Jagat had been asked to become chairperson of the local committee of SOFAD in the district, which he agreed to for some time, but then stood down.

families of the disappeared in the district and to hold ‘social harmony’ discussions to help build understanding between victims from both sides.

The group’s contacts with international human rights and humanitarian agencies in the early stages of its formation had strongly influenced the way in which it had developed. The connections this network of organisations proffered, and the recognition the group gained within this network, eventually led to them receiving funding from the British embassy. In order to receive these funds, the group had to register formally as an NGO in the district, marking a key transition for the group. The Conflict Victims Committee (CVC) (*dwandwa pīḍit samiti*) was registered in Bardiya in 2006. What had begun in one location as an informal association of families, had grown into a network of families across the district, and then been formalised as an NGO for conflict victims. The tension between the group’s origins as an informal association of families that grew into a movement campaigning for their relatives, and its transformation into a funded NGO running projects, remained as an uneasy dynamic for the leaders of the organisation and was to create specific problems during the time of my fieldwork (see Chapter Seven).

In the aftermath of the war, CVC’s relationships with national and international human rights organisations continued to increase (Figure 8). Bardiya became known as the district which had seen the highest number of disappearances, and CVC became known as the largest grassroots victims’ association in the country. A human rights lawyer, working with an international organisation in Kathmandu, came to the district to work alongside CVC to document cases to be submitted to the WGEID in Geneva. OHCHR representatives conducted extensive, detailed investigations into disappearances in Bardiya, which resulted in the publication of a major report at the end of 2008. Both INSEC and Advocacy Forum’s representatives had been working in the district since the time of the war from their regional office bases in the neighbouring district. In the aftermath of the conflict, Advocacy Forum established a small local office in Gulariya. An international peace-building organisation also established a presence in the district, providing accompaniment to human rights lawyers, journalists or people who had tried to file FIRs with the courts, and who had received threats from the state authorities or the Maoists. The levels of national and international attention given to disappearances in the district are indicated by the high profile visits CVC received from Louise Arbour, UN High Commissioner for Human Rights, in

January 2007, and a team of nine ambassadors and heads of mission from Europe, the USA and Australia, in December 2009 (Arbour 2007; OHCHR 2009).<sup>110</sup>



**Figure 8. Poster on the wall in CVC's office reading: "Human rights are for everyone! CVC Bardiya's Master Plan Programme: Programme to establish justice and sustainable livelihood support for conflict victims. Funded by British Embassy, Kathmandu. CVC Bardiya's parent organisations: 1. ICRC, Nepalgunj; 2. OHCHR Nepalgunj; 3. British Embassy, Kathmandu."**

<sup>110</sup> A 10-minute film of the ambassadors visit was made by the British Embassy, which includes testimonies of relatives of the disappeared recounting their stories: 'Awaiting Justice' <http://www.youtube.com/watch?v=vhlBnO2cTak> (accessed 03/03/2014). The film profiles mothers' voices more strongly than those of wives and does not include Tharu women's voices.

Through all these encounters, this local group of relatives had established connections that reached to leading human rights workers in the capital and beyond the boundaries of the state to international authorities. A few representatives from CVC had been given the opportunity to travel to attend meetings at the UN Human Rights Council in Geneva. For the more active members of CVC, Geneva had thus become a point of reference, bound up with their hopes for justice. Their knowledge of UN committees and specific articles in international human rights conventions had enlarged their political and moral landscapes.

## Uniting as Conflict Victims

Terms such as ‘disappearance’ and ‘conflict victim’ have “performative force,” which comes from “their capacity to relocate narratives of violence and to anchor them to juridical-political discourses” (Das 2003: 293). They are imbued with the moral power of these discourses, which assumes authority from the universalising claims of a certain vision of what it is to be human, and the rights and dignity that appertain to this. Human rights organisations had invited relatives to identify themselves as ‘conflict victims’. These concepts came to take hold, insistently, both within CVC in Bardiya and in the Conflict Victims’ Society for Justice (CVSJ) (*nyāyakolagi dwandwa pīḍit samāj*), set up by Advocacy Forum. Both the disappeared persons and their relatives were classed as ‘conflict victims,’ based on concepts of victimhood enshrined in international law. A key element of Advocacy Forum’s programme was to educate those affected by the violence of the conflict about their rights as ‘conflict victims’.<sup>111</sup> Fieldworkers assured families that international law gave victims of enforced disappearances an inalienable right to know the truth about the fate and whereabouts of their relatives. They explained that disappearances were an ‘ongoing crime’ until such point that the whereabouts of the person, alive or dead, had been resolved, and appropriate legal investigations and actions had been conducted.<sup>112</sup>

It was in the aftermath of the war, that the national victims’ organisation, CVSJ was set up by Advocacy Forum. Victims’ groups affiliated with this national organisation had been established in fifteen districts where Advocacy Forum was working at the time. Advocacy Forum staff in the districts had helped to select leaders and facilitate groups. The victims’

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<sup>111</sup> During my fieldwork, one NGO worker explained that relatives of the disappeared were “only just beginning to understand” that they themselves were also victims and had certain rights.

<sup>112</sup> *UN Commission on Human Rights, Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity. UN Doc E/CN.4/2005/102/Add.1, 8 February 2005* (ICTJ 2013: 1, footnote 3) referring to those whose relatives were disappeared by state security forces.



groups were formed around three core principles: *unity*, mobilising as “victims together for justice”; *neutrality* (not aligned with either state or non-state actors), with no discussion of political issues inside the group; and the pursuit of *justice* from the state. A project manager shared that the challenge of this work was to make victims aware of their rights and give them information about transitional justice. They had approached relatives of the disappeared with an expectation that they would pressurise the Government to address their legal rights. Relatives were also encouraged to be part of the wider fight for justice, pressurising the Government to develop transitional justice legislation, to adhere to the ‘rule of law’ and to address impunity.

In April 2008, I had visited a district in the far west of Nepal and had the opportunity to observe a meeting of one of the local victims’ groups of CVSJ. The issues of ‘neutrality’ and ‘unity’ were repeatedly emphasised by the local staff member, a human rights lawyer, who facilitated the group. “We are all victims of the conflict,” he declared. He asserted that the strength of the group was their unity and he urged them not to exclude anyone: “Only together can we be strong.” Towards the end of the discussion he reiterated these principles: “We all have the same blood. We may be different on the outside but inside we are the same.” The group included a man whose home had been looted, relatives of people who had disappeared or been killed, a man who had been tortured (by both sides at different stages of the war) and a woman who had been raped. There were moments during the meeting when addressing these individuals as ‘the same’ became unsettling. At the beginning of the meeting everyone had been asked to introduce themselves, to give the name of their VDC and to explain how they were victims. Emphasising the equality of victimhood in order to foster unity had, unintentionally it appeared, created an environment in which there was less sensitivity to, or recognition of, difference. The request to publicly announce the reason for one’s victimhood was highly sensitive in stigmatised cases such as rape.<sup>113</sup> Approaching all victims as ‘the same’ reduced the possibility of recognising the particularity of an individual’s circumstances and pain. The uniqueness of an individual’s experiences of pain, and the incommunicability of pain, is an issue which has been discussed in depth (Das and Kleinman 2001; Scarry 1985; Cavell 1997) and was highlighted in Ama’s case (Chapter Three). At another point in the meeting, the lawyer facilitating the group had proposed that each participant write about their *piḍa* (suffering/pain), as a story or a poem, and bring this to share at the next group meeting. He had taken part in a psychosocial programme for human rights lawyers in Kathmandu some months previously, in which they had been

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<sup>113</sup> The woman in this position simply omitted stating how she was a victim.

encouraged to talk about the traumatic experiences they had encountered in their work and share these in written form for therapeutic purposes.<sup>114</sup> As a lawyer, he was not trained in psychosocial approaches, but as a development practitioner he was resourcefully making use of his own training experiences to share with the group. However, emphasising the commonality of victimhood, again, misrecognised the particularity of experiences and the emotional barriers some people might have to sharing their pain.

In Bardiya, international human rights organisations had also exerted pressure on the relatives of the disappeared to bring together families from both sides, and to include conflict victims more broadly as they formed CVC; so families of people who had been killed, people who had been tortured, people who had been rendered disabled, and people who had had their property destroyed or looted, were brought into the victims' organisation. This was to have diverse repercussions, generating tension and suspicion amongst some members of the group.<sup>115</sup> In the most serious cases, relatives of the disappeared strongly believed that new members had been involved in informing on their relatives, playing a role in their disappearance. This had created deep resentment and anger. On one occasion when we met Mina at her home, she had spoken about one such man. He had been a Maoist activist in their village and had later turned informer. She described how he had been the one who had been most active for the Maoists in their village, calling other villagers, like her husband, to his house for Maoist meetings and threatening them with a fine if they did not attend. Mina explained that he had been arrested by the army and, under torture, in order to save his own life, had given all the names of the villagers who had attended the Maoist meetings. The army had then arrested and disappeared these men, including her husband. She described having been so angry with this man when she learned that he was responsible, that she almost went mad. He had kept away from the village for a year but had then returned. He had also more recently become active in CVC as a torture victim. She said she felt like beating CVC's leaders for letting this man, who had been responsible for the disappearance of other members' relatives, take a position 'at the front' of the victims in this district. Mina was a quietly spoken woman, who had found strength following her husband's disappearance in her identity as a *sādhū* (ascetic). Her comments illustrated how ideals of equal rights and uniting together as victims can become very problematic, when transposed

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<sup>114</sup> These had been collated and later published in a book (Weyermann (ed.) 2010).

<sup>115</sup> Some members had discussed establishing a separate organisation that would focus specifically on relatives of the disappeared once again, concerned that their needs were different and believing that a separate organisation would be a stronger campaigning platform. However, potential donors had stood firmly against the idea of two victims' organisations in the district.

onto local contexts with complex histories of relationships, in which the identities of ‘victim’ and ‘perpetrator’ cannot always be clearly delineated. The discourse of international human rights simplifies social relations, dividing victims and perpetrators into distinctly characterised categories (Mutua 2001); but the more complicated realities of lived experiences, and the fact that people’s allegiances can change over time, become obscured.

Alongside these painful experiences when the local victims’ committee had expanded, what was surprising was the extent to which ideas about being ‘equal’ victims and the need to unite from both sides *had* been widely accepted by members of CVC, both at board level and amongst ordinary members. Several women, whose relatives had been disappeared by opposite sides, had recognised at different times in our conversations: “our pain is the same.” The solidarity between those whose relatives had disappeared from different sides was often strong, especially amongst the Tharu women, who shared linguistic and cultural bonds. The board members of CVC had spoken strongly about their commitment to pursuing justice, stating that their strength was in their unity, when I spoke with them at the end of one of their meetings. One member expressed that: “If we are alone [the Government] will not listen to our problems. If we come together it is easier.” Some months later, in a more informal context, a board member had shared with me deeply-held suspicions about the politics of another member of CVC and her fears about his intentions. Yet, when I asked with some puzzlement, given the strength of her assertions, why she continued to work with him, this member stated, “If all victims raise a united voice, we will know the truth more quickly.” It was significant that the beliefs expressed by the national-level human rights activists about the need to unite were echoed by relatives in the district, indicating the influence of human rights discourse. It appeared that the ideology of human rights *had* provided a framework in which to locate oneself and one’s relationship with others, and held the potential at least to relate and work together around a common goal, even in the face of deep political divisions.

One of CVC’s programmes had involved organising ‘social harmony’ discussions with families in different VDCs, creating space in communities for people who had experienced violence from either side to share their experiences and recognise each other’s pain. Several members of CVC had mentioned their positive experiences of these discussions, and its leaders had commented that they had been successful. These discussions had created a local platform for acknowledgement and had increased the possibilities for mutual understanding. For CVC, there was also strategic pragmatism in uniting as conflict victims from both sides,

in order to continue to attract resources and funds from the national and international human rights agencies. However, notwithstanding the specific difficulties some had experienced, it was evident that other members of CVC had appreciated the possibilities for uniting that the human rights framework had offered. This emphasis on ‘unity’ and the ‘equality’ of victims delineated a space for human rights work that was apolitical, a platform from which more authoritative moral claims could be made.

## Documenting Human Rights Cases

Documentation has a central place in the work of human rights organisations. In Kathmandu, a senior Nepali lawyer had described how after attending a UN Human Rights Council meeting, she realised that the only way to get attention from the international community was to send through as many case documents as possible. Over a period of months she and her colleagues flooded the Human Rights Council with cases. They succeeded in raising international concern about disappearances in Nepal, when in 2004 the UN WGEID stated it had received more reports of new disappearance cases from Nepal than from any other country in world. It is important to note that it has often been misquoted that Nepal had the highest number of disappearances of any country in the world that year. The number that becomes significant is the number of *documented cases* received by the WGEID, not the number of actual occurrences, re-emphasising the importance of documents in this arena.<sup>116</sup>

Human rights organisations have emphasised the importance of documentation in their engagement with families, asserting the need for documentation in order to pressure the state for truth about the disappeared, and for justice. Documentation had been undertaken by several organisations in Bardiya but the content and level of detail had differed, as had the authority of the document created, depending on its format and authorship. A closer look at what information has been collected from relatives of the disappeared by human rights organisations, and for what purposes, reveals multiple documentary processes, with differing intentions and goals regarding the pursuit of truth and justice for the disappeared. Documentation has been conducted for human rights “monitoring”, in order to prepare legal cases, and as part of consultations or research projects with ‘conflict victims’. The distinction between these different purposes has not always been clearly understood by the families. For families, documentation of their relatives’ disappearances by the human rights organisations

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<sup>116</sup> Tate’s (2007) ethnography *Counting the Dead* about human rights practice in Colombia, considers the differences between counting human rights violations (to produce statistics), and making these incidents count.

has been invested with hope. Narratives have been entrusted to documenters with the expectation that they will use this documentation to find the truth about the status of the disappeared person. In appealing to human rights and international law beyond the realm of the state, human rights networks provide a link to a new realm of authority. Relatives observed that human rights workers had access to influential connections and resources. However, when organisations have attempted to pursue information from the state security forces, they have elicited either silence or an ambiguous partial truth about the fate of the disappeared. From the Maoists, there was more often confirmation of death if the person had been killed, but neither the Maoists nor the state authorities were prepared to confirm the whereabouts of the disappeared persons in documentary statements.

The families I met had not received copies of documentation or notes that the human rights organisations had taken from them about their relatives' disappearances. Furthermore, some reported that photographs had been taken by these organisations and had not been returned. Where documentation had been undertaken by actors from outside the community, it had been experienced as an extractive process. Victims groups were becoming more sensitive to issues of authorship, and aware of the power of designating victimhood. Members of CVSJ had expressed a desire to pursue their own case documentation, unwilling to rely on the lists that others had produced. CVC had also undertaken its own documentation. Jagat described how they had first approached the *badghar* of a particular village and enquired about victims, and then had visited these people. They had explained that they were also conflict victims and were there to help. At first they only documented accounts of the victims, but later they also documented witnesses' accounts. Initially when they started this work, they had believed that they would find out the whereabouts of their relatives very soon. When they understood that the international laws that human rights organisations were referring to had not been ratified by the Government, and had experienced difficulties in filing FIR cases, they began to realise that it would take a long time to find the whereabouts of their relatives. After filing cases with the WGEID they thought at first that they would get quick results, but then had learnt that there was no way WGEID could ensure the Government would respond.



**Figure 9. ICRC poster of the missing in Nepal. The words across the top read: “To know what happened to the missing (bepattā): a right.”**

The ICRC’s documentation and focus differed from that of the human rights organisations. ICRC delegates had documented cases of missing people in order to search for these families’ relatives. Their primary goal was to pursue information and provide humanitarian support to families. A poster the ICRC published about the missing stated clearly that a family had a right to this information (Figure 9). It graphically transferred the absence of the disappeared onto the waiting women at home, whose faces are blank and ghostlike. This visually depicted how the absence of a disappeared relative could *inhabit* the lives of their

relatives (see Chapter Four), reflecting a sensitivity to the families' emotional and psychological experiences. The ICRC had also registered people in undocumented places of detention during the conflict in an effort to deter the practice of disappearances (OHCHR 2008: 48). ICRC delegates had issued ID cards to detainees and had kept a record of them whilst they were in dangerously ambiguous circumstances outside the oversight of national laws governing detainees. On one occasion Deepak, a government worker, had shown me the ID card he had been issued with by the ICRC (Figure 10). He had been detained by the state for several months during the conflict after someone had accused him of helping the Maoists.



**Figure 10. An ICRC Identity Card given to detainees shown to me by Deepak.**

At the time of my fieldwork, attempts had been made to coordinate documentation and create a shared database at a national level to improve efficiency and avoid repetition in taking cases from families; however this had been proving difficult. One observer who had been deeply involved in human rights violations documentation in India, including the



disappeared in the Punjab, had commented that the organisations in Nepal were struggling to agree on the creation of a common format which would adequately address the information needs for pursuing legal cases (see also Fullard 2008: 21).<sup>117</sup> The lack of coordination between organisations had led to families of the disappeared retelling their stories several times to different organisations. The human rights workers who had spoken with families earlier expressed surprise at how readily they had shared details of what had happened. However, during the time of my fieldwork, it was becoming evident that for several people the initial relief they had found in sharing their accounts had grown to frustration. Some had responded positively to continued interest in their relatives' cases or their own experiences, finding in this a sense of being acknowledged or heard. For others, this interest had been an unwanted intrusion, an unwanted reminder of their continuing pain. The power dynamics involved in interactions with human rights workers, journalists and researchers often made it difficult for families to refuse to speak, though they could choose how much information to disclose. The potentially negative emotional and psychological implications of repeating the accounts of a relative's disappearance, have not been carefully considered in Nepal, but have been a serious consequence of the approach human rights work has taken.

In a conversation with Kamala, she had commented on the responses of families of the disappeared to human rights organisations and expressed her disappointment and frustration with how this engagement had unfolded:

If organisations call, we go quickly. We dance to what the organisations want. We want to see what will happen. But our situation at home is getting worse. We think there might be new information, but after going there nothing ever happens.

Meeting with human rights organisations had raised expectations amongst families, who perceived human rights workers to be powerful advocates. As a result, the families had been quick to respond when have been called to different programmes. However, the agendas of these programmes had often differed from the families' priority of finding more information, about their disappeared relatives. The failure of human rights organisations to deliver new information about particular relatives, had led to a growing disillusionment. Kamala commented: "in many places they have been talking a lot, but until now we don't know the

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<sup>117</sup> In the years since, the situation has changed significantly. In 2012, OHCHR launched a consolidated Transitional Justice Reference Archive (TJRA) with detailed qualitative information and comprehensive quantitative information about human rights violations, including disappearances, that took place during the conflict in Nepal: [http://www.ohchr.org/Documents/Countries/NP/OHCHR\\_Nepal\\_Conflict\\_Report2012.pdf](http://www.ohchr.org/Documents/Countries/NP/OHCHR_Nepal_Conflict_Report2012.pdf). INSEC also published online a searchable archive (in Nepali), the Conflict Victims' Profile, with details of hundreds of disappearances cases: <http://www.insec.org.np/victim/>.



place where our disappeared people are!” Ultimately, each family wants to know the truth about their own particular relative’s fate and sometimes, the documentary processes of the human rights organisations have seemed as “illegible” as those of the state: there are no guarantees that by filling out the paperwork, in this case detailed documentation of a relative’s disappearance, and delivering it to the authoritative body, in this case the human rights organisation, one would be granted what one has been told is one’s legal entitlement or “right” (cf. Das 2007: 168).

## **Documentary Fragments: Traces of the Disappeared**

Relatives of the disappeared, those who were illiterate as much as those who were literate, recognised the importance of papers and documents. They recognised them both in their materiality – fragments that were a testament to the truth of their relatives’ existence; and in their functionality – the potential power they held to do things. In the absence of recognition from the state, any documents which gave evidence of a disappeared person’s identity were preciously guarded. Citizenship cards, marriage certificates and photographs, were kept by families, along with documents related to their relatives’ disappearances and their search for them. Certificates from the Communist Party of Nepal (Maoist) (CPN(M)) stating that their relatives had disappeared on a certain date during the People’s War; their own membership cards issued by CVC; business cards given by staff from human rights organisations who had come to document their cases; and folded scraps of paper with notes on, had all been carefully saved. These were often kept by the family in a plastic bag and stored in a safe place in their home, or concealed in a bag or on their person when they were coming to meet with officials.

These documents were sometimes brought out during conversations and interviews, either to give further clarification to a point in our discussion, or in order to ask for the interpretation or the meaning of a certain paper. On one occasion, in the middle of an interview, a father had brought out all the documents he had about his sons, who had been in the army. His elder son had gone missing after a battle with the Maoists, but the army had been claiming he had gone AWOL and had refused to give his family the standard compensation. The younger son was disappeared by the Maoists whilst he was on leave. He had been relaxing with his friends in the village, playing *karam* (a popular game) when the Maoists had abducted him. On a wooden bench, this father had carefully laid out his sons’ ID cards, and folders full of letters he had written to different authorities, documenting his attempts to find his two sons (Figure 11). Alongside these documents, he had placed framed photographs of

the two young men. These were being displayed as evidence, both of his sons' identities, and of all the work and suffering they had undertaken as parents, to try to establish what had happened to their sons and to pursue justice.



**Figure 11. Documents and photographs of two sons: evidence of the sons' identities and the parents' search for them.**

On another occasion, at the end of an interview with Ram Devi, she had brought out a plastic bag containing several documents. These included her husband's citizenship card, a card issued by CVC, a death certificate issued by the local government office, and an identity card issued by the local CPN(M) (Figure 12). Ram Devi was illiterate and relied on other people to tell her exactly what these documents said. When we looked more carefully at her collection of documents, we noticed that there were discrepancies in her husband's name.<sup>118</sup> The discrepancies had not been significant until recently, the materiality of the documents itself being enough to attest to the former presence, and current absence, of her husband.

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<sup>118</sup> Discrepancies on such documents were not uncommon and could occur because of simple differences in spelling of a name, or because people often had more than one name – a 'familiar' name and an official name.

However, they had been causing problems in the process of obtaining relief from the Government's relief fund (see Chapter Eight).



**Figure 12. A moment of tenderness as Ram Devi touches the photo of her husband after displaying the documents whose discrepancies were causing problems.**

An elderly father whose son had disappeared on a brief visit back from his work in India, pulled a folded paper from among a collection of other documents, and asked us what it said. It turned out to be a simple, generic leaflet printed by the ICRC, advising families who had missing relatives that they could contact them. The family had previously been in contact with the ICRC. It held no information about his disappeared son, but had been kept carefully alongside other documents about his son. He put the paper back again after listening to what was written on it.

However, some of the papers families kept did contain information about a relative's disappearance. On one occasion I was at Hira's home and, just before sleeping, Hira had handed me a scrap of paper that she had been given by "someone in the Party." It briefly outlined the circumstances of why and when her husband, a former CPN(M) commander, had been abducted and killed by the Party, accused of being a spy. It was handwritten on a

torn-off scrap of paper, with no signature or official mark. A few weeks later, I had been in the local office of the human rights organisation with Hira. It was during the period when the relatives were travelling into Gulariya to collect relief money from the Government office and Hira had come for advice because there was confusion about her application. One of the lawyers in the office had asked her whether she had received her husband's body. When she said, "No", the lawyer had explained that it was her right to know what happened and it would be better for her if she applied for compensation as a relative of the disappeared. Then she asked Hira what she wanted to do. Hira said she was happy to do what the lawyer said. The lawyer stated that it had to be Hira's choice and Hira had explained hesitantly that some people had told her that her husband had died. Suresh arrived in the office a little later and explained that there was much work still to be done for the disappeared; that the Government had to make known what had happened and had to help to find the bodies of those who had been killed. He reiterated the message of his colleague, advising her to continue to identify her husband as 'disappeared' rather than 'killed', in order to retain her full rights to the details of where his body was, to justice and to reparations.

Several families had received copies of letters received by the ICRC from the army, in response to the ICRC's investigations about missing relatives. These letters had stated that particular relatives had been killed in an encounter or in cross-fire. As such, they were ambiguous, containing probable partial truths: the letters admitted that their relatives had been killed by the army, whilst lying about how they had been killed in order to cover up the details. Due to the ambiguity of the message, many families had refused to accept what these letters said. Winter's historical work has drawn attention to the need of families of the missing for detailed information about what had happened to their relatives, including their last moments, in order to be able to accept their death and grieve (1995: 36). For families of the disappeared in Bardiya, the desire for truth had not been fulfilled, and so they were unable to fully accept the statement of a relative's death.

OHCHR had produced a detailed report into disappearances in the district. Although many relatives were unable to read it themselves, they took copies. There had been a significant delay in delivering this report, and some tensions between the families and the organisation regarding its content, which will be discussed further in the account of CVC's AGM below. The report included an appendix that listed the names of all the disappeared people in the district, whose cases OHCHR and other agencies had investigated. Seeing the name of their relative in this list was especially important to each family, as it was an acknowledgement by

this official organisation of their particular relative. They kept these reports safely with their other documents. The previous year, the ICRC had published a name list of missing people in different districts. Both of these lists were used by some families in later dealings with the state at the time of the relief distribution. By pointing out a relative's name from the amassed lists, they had utilised the authority that these reports had granted, and they had reclaimed the details of their particular relative from the wider reports.

## **CVC's AGM: Truth, Justice and Divergent Expectations**

At the beginning of 2009, CVC held an AGM. More than two hundred people attended, including relatives of the disappeared, relatives of those who had been killed, and, in smaller numbers, victims of torture, those who had been rendered disabled, and those who had been displaced or whose property had been looted. In addition, representatives from national and international human rights organisations, lawyers and journalists were present. The meeting was being held in a large hall of the District Development Committee. There were rows of seats, filled with people, stretching to the back of the hall. Some people, who were struggling to find a space, had crouched in the aisle or were hovering around the doorways. At the front of the packed room was a large stage. The meeting began with guests and organisational representatives being called up to the stage. An older man, whose young daughter had been abducted and killed by the army, was called upon first as the "chief guest and president of today's programme". He was followed by representatives from OHCHR, the funding Embassy, Kathmandu-based representatives of international human rights organisations, district level representatives from national human rights NGOs and the Nepal Bar Association, and the president of CVSJ.

Everyone stood for one minute's silence and then a lamp was lit, before the speeches began. Deepak, who was actively involved in both CVC and the local group of CVSJ, spoke first:

We are all friends who are drowned in pain. How can I greet you with, "*shubha kāmānā*" (best wishes)? Rather, I will say, "*dukha kāmānā*" (sorrowful wishes). We cannot forget those days [...]

We are all human beings, and we are all tired of walking to search for our relatives; but we cannot tire for getting justice. [...]

We are still waiting for peace. [...] More than the organisations, we all remember those days with our friends. We are mentally tortured because until now we do not know about our relatives.

When Deepak spoke about the disappeared, he spoke with an authority that came from knowing first-hand the experiences of detention. He had met others who were subsequently

disappeared. He had been badly tortured and still suffered from physical symptoms. Deepak's words were forged in anger and pain from the memories of that time:

When we were in the detention centres, the ICRC tried to meet us and take our names, but [the army] would hide us somewhere else. How can we forget those days? [...]

Relatives were searching in different places. From inside the jail we were waving our hands to tell them, "Your relatives are not here..." We will do anything to make sure this does not happen to others.

Addressing the organisations present, he continued:

Therefore, you must help us. If not, after ten years the conflict will start again. Criminals are walking with their chests inflated (*chāttī phulāera hidne*).<sup>119</sup>

He spoke about the need for justice and how the victims were prepared to stand in the courts. He asked the organisations to give them security, but also stated: "We are not afraid to die (*marna bāṭa ḍar aundaina*)."<sup>120</sup> His speech was impassioned, his anger brimming at the edges of his words, as he both made demands from the organisations, and suggested that the victims did not need their help. He questioned whether they had really understood the extent of the victims' pain. He then criticised the Government for having raised the hopes of the victims by making commitments to them and not fulfilling these commitments. He appealed to the organisations: "Please do not do this again."

He then shifted to speak more personally of his own experiences:

I am a government official (*karmachari*). I cannot forget the torture (*yatana*) which [the army] gave to me... They have to manage some kind of facility for torture victims and give us free medicine and treatment.

He was critical of the fact that, so far, in distributing compensation, the Government had privileged those who had lost property.<sup>121</sup> He demanded that the conflict victims be represented in the Local Peace Committee in order to ensure that the voices of those who had been targeted would be heard.<sup>122</sup> In closing, he made appeals to different members of the audience, both the victims and the representatives of organisations:

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<sup>119</sup> A proverb with the meaning 'walking proud and without fear'.

<sup>120</sup> His words here echoed the Maoists' rhetoric of sacrifice, in the pursuit of justice. This was an assertion I heard repeated by other relatives of the disappeared both publicly and in private.

<sup>121</sup> Amongst relatives of the disappeared there was a tendency to assert that these people were not 'genuine victims.' It was alleged that landlords from the district had claimed compensation for displacement, even though they were living in another of their homes.

<sup>122</sup> A Local Peace Committee had been set up in the district. Political parties had selected most of the representatives.



But you, brothers and sisters, don't become hopeless. [...]

You, organisations, please work well. Make the Government listen. It is hard to get peace. Don't do anything without discussing with the conflict victims.

His words had been emphatic, highlighting attention on the pain and suffering that the victims and their relatives had experienced and were continuing to experience.

Following this opening speech, two of the representatives from OHCHR spoke. For them the AGM was an opportunity to launch the report they had written investigating disappearances in the district (OHCHR 2008: 5). They had requested an opportunity to speak directly to the families about the report, as there had been considerable delay in its publication and frustrations had been emerging. Relatives had high expectations of what OHCHR could do and, although OHCHR staff had explained their limitations, this had not allayed the expectations of the families. There was some confusion about the suggestion that this report could help them find the truth, and it was this confusion that the speakers attempted to address. In contrast to the strong impassioned words of the first speech, the OHCHR staff spoke in way that was diplomatic and had been carefully crafted:

We're going to talk about two things: what we're going to do with the report and what you can do with it. One thing I should make clear – we are an international organisation, part of the UN. Our job is to put pressure on governments, including on the issue of disappearances and the need for truth, justice and compensation. We can't do this ourselves, it is the job of the Government and the parties to the conflict.

[...] You told us about the pain and difficulties you had suffered and shared that you felt that no-one was listening, neither the Government nor the Maoists. Our job is to try and make sure your voices are heard in a way that people will have to listen to you.

To write the report, we met with hundreds of families [...], and security forces, political parties and others. We found out, over and over again, that the army and police had arrested people and then later they had denied this. We found out that people were tortured and some were killed in custody. Also, CPN(M) killed some people and did not give the bodies to the families. Included in the report is a list of over 200 cases reported to us. All record very serious human rights violations.

Some of you may expect this report to tell you what happened to your loved ones. It is not the job of this report, or our job, to do this. This is the job of the Government. They need to give you details of what has happened to your loved ones, and where their remains are if they have been killed. CPN(M) has agreed to do this. We need to use this report to push for this.

The second OHCHR speaker picked up on this theme, encouraging CVC to make use of the report in its campaigning:

You've achieved a lot in the last few years. There is no other victims' group in Nepal that is as strong and as organised as you. You are an example to other victims in other districts.

It is important that you continue your campaign. If you meet with the authorities, the Government, the CPN(M) or if you submit a petition to the Prime Minister you can use this report.

Part way through this speech, a lady, sitting beside me at the back of the packed room, pulled out a letter and gestured to me, asking to whom she should give it. She indicated questioningly towards those on the stage. When I looked at it, I realised that it was simply an invitation letter to the AGM. Whilst the OHCHR representative was encouraging the families to use their report to pressure the Government, her question revealed the vast gap in the comprehension of and use of written documents, between the two worlds present there; that of the representatives of international human rights organisations sitting on the stage and that of the illiterate Tharu woman sitting beside me.

Many of the relatives of the disappeared were illiterate or semi-literate. Their main interaction with paper documents was in dealings with bureaucrats or officials. They had to rely on others to translate the meaning of these documents, hoping that they would ‘work’ to deliver some kind of benefit. In handing me her paper, this lady was seeking help to interpret this document and to understand to whom she should take it, in order to receive the anticipated, but as yet unknown, benefit. Relatives were appealing to those they perceived as being in positions of power and influence, when they requested help from human rights organisations in finding the truth about their relatives. When the response of these organisations was not to give them new information about their disappeared relatives, but to hand responsibility of the search for information back to them, some people remained confused. Nevertheless, the relatives took copies of these reports and kept them safely with their other documents, knowing that they contained the names of their disappeared relatives.

The OHCHR representative finished his speech with some advice to the victims:

It is important to work as a group, and to let other organisations know what you are doing for your protection. [...] We know you are frustrated and tired and feel like nothing is happening and no one is listening. In many countries it can take years to find out the truth and even longer to find justice. But experience from other countries has shown that it is often victims like you who have eventually pressured the Government to give truth.

As the speeches progressed, I realised that several of the people sitting around me were not following parts of the discussions. Whilst the speeches of the UN representatives were translated by UN interpreters into both Nepali and Tharu, CVC’s leaders and other representatives spoke mainly in Nepali and their speeches were not translated.



The president of CVC, Min Bahadur, opened his address to the meeting: *nyayakalin salam!* (A salute to the time of justice!)<sup>123</sup> This bold introduction was indicative of his talent as an orator, often giving long, poetic speeches, enthusiastically articulating his words and expounding his ideas. On this occasion, however, his speech was more subdued and factual, largely avoiding the emotional language of the activist genre. At the AGM, in the presence of financial donors and the main supporters of CVC, his role was to acknowledge their contribution and to give a report of the association's work over the last year. He gave a brief overview of the establishment of the organisation, acknowledging the early support of OHCHR and the ICRC and the current support of the British Embassy. He then spoke about how CVC had united conflict victims, before detailing the work it had undertaken to document human rights cases and to petition the authorities, and moving on to give the outcomes of these:

The most important work we have done is, with the help of ICJ, successfully sending 207 cases to the UN Working Group on Enforced Disappearances. In some cases, the UN Working Group has asked the Government to provide further information.<sup>124</sup>

We filed the case of Rupa Chaudary with the DPO, in coordination with AF, ICJ, ICRC, PBI and OHCHR.<sup>125</sup> The case is moving forward right now. CVC has played an important role.

In Thakudwara, we submitted a memorandum (*gyanpatra*) to the Prime Minister and sent a memorandum to [the Home Minister].<sup>126</sup>

Relatives had been offered the promise of justice through documenting cases and pursuing legal mechanisms with the help of the network of human rights organisations.

His speech then moved on to address the members of CVC, acknowledging the frustration of the victims' families about the OHCHR report and how it had not met their expectations. He

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<sup>123</sup> Echoing the form of the Maoists' '*lāl salam*' ('red salute').

<sup>124</sup> Reports had been submitted to the WGEID in Geneva, in the hope that they would put pressure on the Government of Nepal to take forward legal investigations. Detailed analysis of how the Nepal Government has responded to WGEID is given by INSEC (2008)

<sup>125</sup> Rupa Chaudary was an 11-year-old girl who had been killed by security forces, who were allegedly drunk at the time when they came to her village.

<sup>126</sup> Min Bahadur later told me how they had set out on bicycles to deliver the petition to the Prime Minister who was visiting a VDC on the west side of the district, around 5 hours cycle from Gulariya. His chain had broken twice and he had to abandon his bicycle. He rode on the back of his friend's bicycle for some time, but on the rough tracks this slowed the whole envoy down. He eventually had to pass over the petition to the other team members, who managed to reach the place and deliver the petition just on time!

expressed some criticism on their behalf, whilst attempting also to explain OHCHR's position to the relatives:

Now about the OHCHR report. Probably we have different feelings about this and had different hopes about what OHCHR could do... [...] Now we may be feeling that OHCHR has *not* been able to do what we hoped. [...] We want the UN published report to go to the Government and others, to pressurize them. This is the important thing.

The most important thing is that from the beginning we helped to prepare the report. OHCHR have not published exactly what has happened, but it is impossible for OHCHR to do this. [...]

Those who were responsible, they should take steps and immediately implement [the recommendations of the report].

[...] With our help, OHCHR have produced this report. But it has not named the perpetrators as it should have. It has only named two people from Chisopani barracks. One is Ramesh Shwar and the other Ajit Thapa.<sup>127</sup> They should also have named lower level people, who made people disappear on their own authority. [...]

The families had expected that the report would publish more information about their relatives' disappearances. OHCHR, however, had written the report as a tool to exert further pressure on the state to provide truth and justice. Despite the disappointment at the failure of the report to name more perpetrators, Min Bahadur committed CVC to continuing to coordinate with the human rights organisation in their struggle for justice: "Victims have to continue to campaign for justice. We will coordinate with human rights organisations and move forward."

Following Min Bahadur's speech, the human rights lawyer from ICJ, who had worked closely with CVC, gave a stirring speech. He began by asking them:

What is justice? How do we get justice?

The crimes have been committed by the state and by the Maoists. In order to get justice, we need to get: information (*jānakāri*), prosecutions (*kārbāhi*) and compensation (*kchatipūrti*).

To get all these things is the reason you are gathered here. You are standing here now because you are all unified. Your unity is the most important thing.

He spoke authoritatively about the transitional justice legislation and the role of the commissions. He also spoke about the international community, and their role in holding the

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<sup>127</sup> Lieutenant-Colonel Ajit Thapa was awarded a Chevening Scholarship to study security sector reform in Bradford, U.K. (Jan-Mar 2007) (see ICG 2010a: 22). This was seen as a reward for someone who should have received punishment and it caused much anger. Ramesh Shwar was also said to have gone abroad, though this apparently was through personal rather than official means.

Government accountable to its commitments to conflict victims. Addressing the relatives of the disappeared, he explained that they had a very important role in the work for justice; they were being asked to contribute to the process of documentation in order that the evidence would not be forgotten and the ‘criminals’ could be punished:

If we don’t document all the evidence, everything will be forgotten (*bismriti*). [...] The most important work of [the victim’s organisation] is documentation. If we forget then we will not get justice. This will be to the advantage of criminals.

Privately, senior human rights workers and lawyers had admitted that, even if the transitional justice mechanisms were put in place and judicial systems strengthened, it would not be possible for all the disappearance cases to reach prosecutions. Theoretically, the sheer number of cases would overwhelm the capacity of the judiciary, if cases were processed individually. However, for many cases it would not be possible to collect enough of the kind of evidence required for such a trial. The aim of the human rights work was instead to push through ‘emblematic cases,’ which they hoped might lead to ‘symbolic’ prosecutions. This distinction between justice for a particular family’s disappeared relative and ‘emblematic justice’ was often not clearly articulated by the human rights workers in their rallying calls to the victims. Nor was it clearly understood by the families. The following section looks in more detail at one such ‘emblematic case’.

## **The ‘Emblematic Case’**

A head and shoulders photograph of a Nepali girl dressed in red, a tika adorning her forehead, fades in as the opening image to on a video slideshow.<sup>128</sup> Around her face is hung a garland of marigolds as a gesture of devotion and remembrance to the girl who is no longer alive.<sup>129</sup> A few seconds later, to the soundtrack of gentle Nepali flute music, words appear across the bottom of the image: ‘Prosecute Maina’s killers. Save Justice.’ These words distil how Maina’s case has come to be associated emblematically with the struggle for justice in Nepal; her case being one of hundreds of cases of disappearance, killing and torture carried out by the state security forces and the Maoists during the war. Why and how this has become so, and what it reveals about the work and aims of the human rights organisations,

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<sup>128</sup> This was one of two short online slideshows produced by an Amnesty International Campaigner on secondment in Nepal on the 5th anniversary of the killing of Maina Sunuwar, ‘Prosecute Maina’s Killers. Save Justice!’ <http://hub.witness.org/en/node/12193> (accessed 01/07/2011). For the second, equally evocative, intended for a Western(ized) audience, yet to be persuaded that they can help ‘Save Justice’ by sending a postcard to Nepal’s PM, see The Rights Exposure Project <http://therightsexposureproject.com/2009/04/04/5th-anniversary-of-the-killing-of-maina-sunuwar-slideshow/> (accessed 01/07/2011).

<sup>129</sup> This was in fact a photograph of a garlanded photograph, used in much publicity about Maina.

are important questions. Maina's case has been described as an "emblematic case", which "has come to represent the widespread injustice and failure of accountability in Nepal" (Advocacy Forum 2010: 4).<sup>130</sup>

Human rights organisations and supportive diplomats have drawn sustained attention to Maina's case and coordinated public pressure both within Nepal and internationally. Advocacy Forum has led work on her case in Nepal with support from OHCHR and other organisations. Her case has been publicised through urgent action bulletins and reports by country branches of Amnesty International, by Human Rights Watch, and by the Asian Human Rights Commission (AHRC). The story of Maina's abduction, and the boldness of her mother's search for her and subsequent demands for justice on learning of her death, have been covered in the documentary film of Nepal's conflict, *Sari Soldiers*, by Julie Bridgham,<sup>131</sup> and a feature length dramatization, *Maina*, by K K Pathak. Detailed reports about her case have been written by both Advocacy Forum (2010) and OHCHR (2006) and her case has been featured in international campaigns run by AHRC and Amnesty International.<sup>132</sup>

On 17 February 2004, Maina Sunuwar, a 15-year-old school girl from a village in Kavre, had been abducted from her home by members of the army. The soldiers had allegedly come asking for her mother, but, when they found that she was not at home, they took her daughter instead. Maina was taken to Panchkal Barracks, a large army barracks east of Kathmandu, used for training Nepali troops for Peace-Keeping duties with the UN. There she was tortured and interrogated and in the course of this torture was killed. The army initially denied having taken Maina, or knowing anything about her. They subsequently tried to cover up her murder by creating false police reports stating that the girl had been shot and killed whilst trying to escape. The journey to uncover the truth about Maina's disappearance in the face of denial and cover-up by the army and the subsequent pursuit of justice, has become one of the most high-profile human rights cases in Nepal. National and international human rights organisations have worked closely together to pressurise the Government and the state

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<sup>130</sup> See also Advocacy Forum's webpage of her emblematic case <http://www.advocacyforum.org/emblematic-cases/2011/01/maina-sunuwar.php> (accessed 03/03/14).

<sup>131</sup> This film tells the story of Nepal's conflict through the voices of six very differently positioned women including Devi Sunuwar and Mandira Sharma, human rights lawyer and the head of Advocacy Forum <http://sarisoldiers.com/> (accessed 03/03/14).

<sup>132</sup> See AHRC's campaign at <http://campaigns.ahrchk.net/sunuwar/> (accessed 03/03/14) and Amnesty's campaign <http://www.amnesty.org/en/appeals-for-action/demand-accountability-nepal> (accessed 03/03/14).

authorities to bring those involved in her abduction, torture and murder to justice. Maina's mother, Devi, has become a prominent voice of the conflict victims in Nepal. In the days after the disappearance of her daughter, she and her husband had searched at the army barracks and asked for help from the police and local government officials, but had failed to elicit any information. They had then come to Kathmandu to the offices of the human rights organisations to seek their help in finding their daughter.

Sustained and coordinated pressure from human rights organisations led to the army admitting she had been killed, and holding a military tribunal that identified some of those involved. It gave punishments to three officers: six months' detention (deemed to have already been served during the trial period) and temporary suspension from promotion. The charges were not for extrajudicial killing, but for breaching guidelines on interrogation techniques and not following correct procedures when disposing of Maina's body (see Advocacy Forum 2010: 8). In November 2005, in response to these disproportionate punishments, human rights lawyers helped Devi to begin the process of lodging a case for murder against the accused officers in the civilian court. An arrest warrant was finally issued by Kavre district court in January 2008.

In separate events, following the disclosure of information from army personnel, in March 2007, Maina's body which had been buried at the Panchkal army barracks was exhumed. The exhumation took place in the presence of human rights organisations and with the support of the UN. It was only through the extensive advocacy and legal support from national and international human rights organisations that army personnel had been persuaded to disclose the whereabouts of Maina's body. However, even following the exhumation, Devi and her family were not given Maina's remains, which were instead taken to a hospital in Kathmandu for forensic examination and to be held as evidence in any future criminal proceedings. This denied Maina's family the possibility to conduct the rituals of death and find support from others in the social practices of mourning.

However, not only have the remains of Maina's body not been returned to her family, but on the fifth anniversary of her disappearance in February 2009 (and again on the seventh anniversary) a photograph of Maina's skeletal remains were widely circulated alongside an image of Devi holding the garlanded photograph of her daughter, on a campaigning postcard,

on billboard posters and online.<sup>133</sup> There is something profoundly disturbing in how these events unfolded. Instead of the return of her body to her family, the hope articulated by so many of the families I met, the pursuit of justice has prevented this. Not only has her family's opportunity for mourning been stalled, images of the remains of Maina's body have instead been made widely available to the public as part of a campaign strategy to 'pursue justice'. The decisions surrounding this were not initiated by her family, but were orchestrated by an international human rights campaigner in discussion with human rights workers who were supporters of Devi. At the heart of the matter, and perhaps what makes it so disturbing, is the subtle shift that has taken place as human rights actors have come to engage with Maina's case as an emblematic case. Concern for the broader emotional and material needs of her particular family, and consideration of the impact that such wide publicity of Maina's specific case might have on them, have been subsumed by the attraction of Maina's case as an emblematic case. Her case has become increasingly iconic, re-invoked each year on the anniversary of her disappearance: she is utilised by human rights activists as a generic symbol of the innocent victim, to evoke moral outrage. In parallel, Devi, her mother, has been profiled and encouraged in the role of the iconic 'conflict victim'. Their family story has become a public story, appropriated into the human rights organisations' goal, as the campaigning materials put it, to 'Save justice!' in Nepal.<sup>134</sup>

There is a wider context to Maina's case that is much less widely known, but further questions the wider impact on families of the pursuit of a single emblematic case. Just five days before Maina was abducted, Devi's niece, Reena, had been murdered and allegedly raped by the army at her home. Devi and her husband had both been present at her niece's home on that evening, and Devi's husband had been interrogated by the army alongside the Reena before she was killed (HRW 2004: 39-41). Devi had called the attention of journalists and human rights activists to this case, and it is probable that this was the reason that the army had come to search for her five days later. In most of the descriptions of Maina's case in human rights reports, this wider story has not been mentioned. Others have observed that a feature of the narratives of human rights cases is the tendency to remove the individual concerned from their social and historical context (see Wilson 1997). The more complex

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<sup>133</sup> Whilst Devi's consent and participation had been sought, the photo shoot for this image was a traumatic event for her, and the decisions about the use of the image had unsettled human rights staff who worked with her. See comments from the human rights campaigner who initiated the project on the Rights Exposure Project blog <http://therightsexposureproject.com/2009/02/20/controversy-consent-and-campaigning-%E2%80%93-image-for-the-5th-anniversary-of-the-killing-of-maina-sunuwar-kathmandu-nepal/> (accessed 04/03/14).

<sup>134</sup> I regret that I did not have an opportunity to meet Devi again after these events had happened.

history of events preceding Maina's disappearance and killing, and the centrality of her relatives in these earlier events, whilst documented in initial reports, was increasingly written out of Maina's emblematic case. Advocacy Forum's detailed report, *Maina Sunuwar: Separating Fact from Fiction*, contains just two sentences about the alleged rape and murder of Reena (2010: 12).

At the end of 2009, with the help of her supporters in Advocacy Forum, Devi wrote a letter to the Prime Minister. Much of the letter was written in the language of the human rights organisations, but there are moments when her personal voice breaks through:

A lot of human rights activists and national and international journalists visit me and tell me that the story of injustice meted out to my daughter is known around the world. Furthermore, the human rights defenders tell me that the case of my daughter is "emblematic". But I am at a loss what this "emblematic" is. Perhaps, a case becomes emblematic if the injustice involved crosses all the reasonable bounds. Or when the state promotes the criminals to high-ranking posts and awards them with other prizes despite persistent pressure from national and international circles to bring the perpetrators to book.<sup>135</sup>

She acknowledged the work human rights actors and the media had done for her daughter's case, but her words expressed confusion and disillusionment. She was angry that the state authorities continued to protect and reward those implicated in her daughter's murder. Significantly, she specifically questioned what being an 'emblematic' case really means. The sentiments and convictions that Devi expressed in this letter were similar to those she had expressed to me earlier in personal conversations. She had shown particular strength and courage in searching for her daughter and her resolution to pursue justice had resonated strongly with human rights organisations. However, her daughter's disappearance had a huge personal impact on her family's life. Devi and her husband had been displaced from their village, had faced economic difficulties, and had been threatened by the army following their daughter's disappearance. Since moving to Kathmandu her life had become orientated around the search for truth and subsequent pursuit of justice for her daughter. She was regularly called on to take part in human rights programmes. The emotional strain on the family had been huge. Tragically, her husband had died in an apparent suicide, just months before she wrote this letter.

One of the four people accused of being involved in Maina's death was Major Niranjana Basnet. He had been sent with UN Peace Keeping forces to Chad in September 2009. When

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<sup>135</sup> Extract from the letter Devi Sunuwar wrote to the Prime Minister of Nepal, Madhav Nepal, in December 2009 (republished in Advocacy Forum 2010: 33-34).

the details of his deployment became known through the publication of an article in the *Republica* in late 2009, the UN's OHCHR office in Kathmandu had passed on information about his arrest warrant and he had been repatriated to Nepal. At the airport, however, he was not arrested by the police, but was met by army personnel who have subsequently refused to hand him over to the police. This is what had prompted Devi's letter to the Prime Minister (quoted above) and a similar letter to the Defence Minister. The tragic case of this girl's disappearance, torture and death, and the subsequent denial and cover-up of what had happened to her, have received more attention than any other in Nepal. The ongoing pursuit of prosecutions for those involved, with constant high-level pressure from human rights organisations and the international community, has meant that more action has been taken on her case than any other. However, in spite of all these efforts, the army has protected those accused and refused the civilian court's arrest warrants.

Unresolved struggles over the alignment of state power, specifically the locus of control over the army have been at stake, with the army demonstrating the autonomy of its authority in matters relating to its soldiers. The evocation of human rights, by both national and international actors, has challenged the legitimacy of the state's use of violence, an issue that lies at the core of how state power is constituted and performed. When Major Nirajan Basnet had been returned to Nepal by the UN, the physical border had very clearly delineated the boundaries of national state power and authority: the UN had been able return the accused Major to Nepal, but they had had no power to prevent the army meeting him at the airport and immediately taking him into the realm of their authority and protection. National and international human rights movements, however well-resourced and with whatever power they can claim through international law, ultimately do not have power to challenge this authority within the bounds of the state.

During the time of the conflict, human rights cells had been set up in the RNA, the APF and the police. Organisations had conducted training on human rights and International Humanitarian Law with the security forces. On one occasion, I had shared a journey in a public jeep from Bardiya with a man who said he was working for the army. I ascertained that he worked at the central army barracks for the region. When I told him I was a researcher and had been studying human rights issues, he mentioned that he had been given human rights training. He was dismissive of this training, suggesting that its values were foreign and the trainers had not understood the context that the army had faced during the war. He explained that because a person was given shelter and food in detention, when they



may not have enough food in their village, detention alone was not a sufficient form of punishment. Detainees needed to be given a greater punishment if they were to “change their ways,” he concluded, implying that physical punishment was necessary. When the human rights trainers had spoken against torture, he suggested they had misunderstood the local context. The accusations and documentation of the widespread use of torture by the army against prisoners in detention, suggests that his attitude was more broadly held. At the end of the jeep journey, we shared a rickshaw ride, as we were travelling in the same direction. No longer in the public space of the jeep, I mentioned that I had heard about a particular army captain and asked if he had known him. This army captain had been named in several of the accounts of disappearances I had heard in Bardiya. The army officer affirmed that he had known him. I did not ask for details and he did not share any, other than commenting that this captain was known for being a *gunḍā* (thug, ruffian). Reflecting on our conversation, I had remembered an interview several months previously in Kathmandu, in which an international human rights expert had suggested astutely that one prosecution for a human rights violation would be more effective in changing attitudes within the security forces than any amount of training.

## Conclusion

The agendas of the human rights organisations and activists have resonated with, and also diverged from, those of the families of the disappeared. Through tracing documents, it has been observed that what relatives have most valued in documents from human rights organisations, has been the acknowledgement of their particular relatives. Families have, primarily, collated documents and documentary fragments of the disappeared in order to hold on to the personhood of their relatives. Human rights organisations have prioritised campaigning for justice from the state, for the ‘rule of law’ to be upheld and the culture of impunity to be ended. They have called for transitional justice systems to be established; and, in parallel, have pursued emblematic cases through the courts, in the hope that these may lead to prosecutions that would have symbolic meaning for all whose relatives have been disappeared or killed. At the point at which families have sought support to find their disappeared relatives from human rights organisations, they have been drawn into these larger projects. In the process, attention has often been diverted from the personal loss of families and their immediate needs. There has been strong sustained attention to legal rights in the work of human rights organisations since the time of the conflict (see for example

HRW 2004), but attention to the emotional and material needs of families has been more limited and started later.<sup>136</sup> Cowan et al. (2001: 1) have commented that:

Constituting one historically specific way of conceptualizing relations of entitlement and obligation, the model of rights is today hegemonic, and imbued with an emancipatory aura. Yet this model has had complex and contradictory implications for individuals and groups whose claims must be articulated within its terms.

Some of these complex and contradictory implications have been illustrated above, in particular in the description of how Maina's case has been pursued.

Klienman et al. have commented, "...responses to the traumatic effects of political violence often transform the local idioms of victims into universal professional languages of complaint and restitution – and thereby remake both representations and experiences of suffering." (1997: x). The subjectivity of the 'conflict victim' with entitlement to certain 'rights' has taken strong hold amongst the relatives. Nevertheless, human rights organisations have maintained a strong hold on representations of Nepali 'conflict victims'. This was evident in their documentation, as well as in how and when they invited victims to speak and participate in meetings. At the time of my fieldwork, it was a lawyer from a human rights NGO that represented Nepal's disappeared families within the Asian Federation Against Disappearances (AFAD), rather than a relative of the disappeared. This was a point of contention for some of the relatives. The sense of appropriation of their victimhood, was what had spurred the development of the independent network of disappeared families, NEFAD (see Chapter Two).

Human rights discourse has presented a powerful rhetoric of possibility and promise to families for pursuing justice; yet in Nepal, as elsewhere, 'justice' has often been invoked but usually remains undefined (Kelly and Dembour 2007: 9). In Nepal, understandings of and access to 'justice' have been diverse. Local disputes within Tharu communities were most often arbitrated by *badghars*. If taken to the local state authorities, disputes, and sometimes more serious crimes, were often negotiated through informal arbitration settlements by the police rather than through formal procedures of justice in the district court. Those in positions of power were able to manipulate these systems to their advantage.<sup>137</sup> The People's War had brought to the fore notions of social and economic justice, with injustice in these

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<sup>136</sup> CVC's project with the British Embassy included support for income generation and for groups promoting social harmony. The ICRC's support has included targeted income generation and more recently, since 2010, a psychosocial programme (see ICRC 2011b).

<sup>137</sup> During one conversation a relative spoke about a case of rape in her village that was being brokered through one such informal process by contacts of the rapist who were in the security forces.

areas being a central justification for their war. The Maoists had established People's Courts in their base areas, delivering immediate 'justice' locally and often overturning local relationships of power, but by all accounts these have remained carefully orchestrated political events rather than a new way for the ordinary person to access justice. Therefore, the possibility that human rights workers had presented for pursuing justice through national courts and international bodies, with human rights workers as advocates, had been an attractive one for many. Some relatives have become more aware, however, that justice through the courts is far less certain or imminent than they had initially imagined. Whilst the invitation to pursue 'justice' with these advocates has encouraged hope, it has also created disillusionment as the uncertainties and complexities have become more apparent.

## Chapter 6. Sacrifice and Pain in the Maoist Revolution: The Disappeared as Kin, Citizens and Warriors

The contribution (*yogdān*) they made to the country and the people, that they gave their lives (*prān utsarga garera*) for this contribution, this should be remembered in history (*itihāsmā kāyam garnu parcha*). (President of regional branch of SOFAD, July 2009)

In the Red Army people went either to kill or be killed (*mārchhaũ ki marchhaũ*). But people who were taken from their homes whilst they were sleeping, their situation is different. (Kamala, wife of a man disappeared by the state, May 2009)

A poster on the wall at the entrance to the district office of the Communist Party of Nepal (Maoist) (CPN(M)) in Bardiya asked: “Where are these citizens?” (Figure 13). I had seen the same poster in the CPN(M) office in Singha Durbar several months earlier. It was a powerful image, and had been pasted on huge billboards in Kathmandu and carried by relatives of the disappeared during protests. Standing out from the red background, graphically depicted as emerging from a burst of light, a huge question mark dominated the poster. This question mark was filled with a mosaic of tiny photographs of faces. These tiny faces had become blurred to the extent that individuals were barely recognisable; only the faces in a dozen larger images around the outside and a couple of rows of images along the bottom were more distinct. These were all faces of people who had been disappeared by the state during the war. Missing from the poster were faces of citizens disappeared by the Maoists, whose whereabouts remain similarly unknown and whose families too, live with the uncertainty of their loss. Maoist campaigns for the disappeared, have remained silent about these people. CPN(M) has not acknowledged its role in leaving painful, unresolved legacies for these families.<sup>138</sup>

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<sup>138</sup> See Chapter Four for how experiences of women whose husbands had been disappeared by the Maoists often resonated strongly with those of women whose husbands had been disappeared by the state.



**Figure 13. Maoist poster about the disappeared asking, “Where are these citizens?”**

Since the time of the war, CPN(M) had sought to engage the families of those disappeared by the state, regardless of whether or not they, or their disappeared relatives, had previously been affiliated. This chapter explores this engagement and examines the processes by which families’ attempts to find out about the fate of their disappeared relatives became intertwined with CPN(M)’s broader political projects. It details how the Maoist movement supported families in their struggle to find their disappeared relatives and to call for recognition and compensation from the state. It also documents the doubts and hesitations families have had about whether CPN(M) will ultimately help them to find the truth about their individual relatives and to seek justice. In terms of CPN(M)’s wider political campaign, it shows how the disappeared have been drawn into the ideology of sacrifice alongside the martyrs, and through this have come to hold symbolic power for the revolutionary project and the ongoing struggle over the state in Nepal. In contrast, for families, the disappeared continue to belong to their kin networks, even though the position of the disappeared person within these has been unsettled by absence (see Chapters Three and Four). Beyond the political rhetoric, the chapter illustrates how families’ experiences of ongoing loss and the painful repercussions of disappearances resist the reductive political representations.

## The Society of the Families of the Disappeared

The *bepattā parivār samāj* or, as it was referred to in English, the Society of the Families of the Disappeared (SOFAD), was set up by families involved with CPN(M) in 1999 after seven senior party leaders and activists were disappeared.<sup>139</sup> However, it was only after four students from ANNISU(R), the student wing of CPN(M), were arrested and disappeared by the police in Kathmandu in April and June 2002 that SOFAD became more active.<sup>140</sup> The families of these four students immediately issued a press statement and demanded their release. The father of one of them, who was a lawyer at the Supreme Court, filed habeas corpus petitions for the students and the families protested outside the court.<sup>141</sup> He became the first chairperson of SOFAD, but just months later was forced to go underground and leave Kathmandu because of his role in CPN(M). His wife, Kalpana, took over as chairperson and it was she, along with the other disappeared students' mothers, who continued the campaigns during the years of the war.

SOFAD was set up by families to put pressure on state institutions and the Government to release or to make known the whereabouts and condition of their disappeared relatives. When it was established, it was the only association for families of the disappeared in Nepal. It was not a formally registered organisation and remained closely linked with CPN(M) party structures: its sole source of funding had been through CPN(M), and party members had occupied key positions. After the 2008 elections, the newly appointed Constituent Assembly members of CPN(M) gave a proportion of their monthly salary to an umbrella organisation for the martyrs, disabled warriors and families of the disappeared, increasing funds for all these groups. A small number of SOFAD members also gained access to government jobs at this time. SOFAD has developed as an important interface between CPN(M) and the families of the disappeared, specifically between the response to the 'disappeared' as a collective and the families' relationships to individual kin. SOFAD has both been a channel for party strategy, and created a forum for relatives to gather and find solidarity. SOFAD members' personal concerns for their disappeared relatives did sometimes come into tension with the political strategies of CPN(M) in relation to the disappeared; however, for families in

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<sup>139</sup> These included Central Committee member, Dandapani Neupane, and six other senior activists.

<sup>140</sup> I have chosen to refer to SOFAD, the acronym used deriving from its English name, though the families almost all knew and referred to the organisation by its full Nepali name.

<sup>141</sup> *Rajendra Dhakal and Others v. The Government of Nepal (Decision of the Supreme Court on Disappearance Case)* Writ no 3775, 1<sup>st</sup> June 2007, refers to the cases of these four students along with others.

Kathmandu particularly, SOFAD's office became an important site for meeting with others who shared their experiences of loss.

By 2008, SOFAD's office had shifted from central Kathmandu to a suburb close to the ring road, where they shared a floor of a new building with the recently registered Martyrs' Foundation. I visited this office several times. The room was bare except for a pile of thin floor cushions near the window, a large poster of Chairman Prachanda beside the door, and three large boards leaning against the end wall which were covered with A4 posters printed with photographs of people who had disappeared. Several of the posters had been torn or folded at the edges, hinting of how these boards had been used and moved around. Many of the images had been enlarged from passport photographs which meant that the faces that stared out were blurred. Under the images were these people's names, mostly typed in large sharp black font, which contrasted in its clarity and precision with the blurred images (see Figure 14).



**Figure 14. Photographs of the disappeared in SOFAD's Kathmandu office, March 2009.**

In a similar way, different identities have been inscribed by CPN(M) onto the collective representations of 'the disappeared'. Through tracing the history of the development of SOFAD in the following sections, I outline CPN(M)'s shifting strategy towards the disappeared and show how it has emphasised the identities of the disappeared, first as kin,

then as ‘citizens,’ and later also as ‘warriors’. The discussion explores how these shifts have mirrored changes in CPN(M)’s wider positioning, aims and strategies in the arena of Nepali politics: from underground insurgent group; to political partner in the Interim Government; to leading party in the Coalition Government following its success in the April 2008 elections; and then, with Prachanda’s resignation as Prime Minister in May 2009, back into opposition.

## **Mothers Searching for Their Disappeared Kin**

In July 2009, I met with Kalpana in SOFAD’s office to learn more about her involvement in the early stages of the families’ movement. Sitting on the floor cushions beside the poster of Prachanda, we spoke for a couple of hours. Another SOFAD member whose brother had disappeared was also present and contributed at various points. Kalpana described how she had felt it was her duty to her country to take the role in SOFAD when her husband had been forced to go underground. She explained that at that time it had been difficult for families to raise their voices. The army had come to her home demanding that she hand over her husband and threatening to kill her. She had been alone with her daughter. Yet even in the face of these threats and difficulties, she and the other mothers had chosen to continue to campaign for their sons. “Who would search if not us?” she asked. She described the special love a mother feels for her son, and how one’s child was like one’s “heart” (*muṭū*). When her son had been taken away she described feeling like her heart had also been taken. She had lost “the love for life (*jyān*),” she explained, and had no longer been afraid to die.

The mothers of the four students had been at the forefront of protests over the following two years, submitting memorandums to the Government, conducting sit-in protests outside the Bhadrakali army headquarters, Singha Durbar and Ratna Park, and undertaking hunger strikes to publicise their relatives’ disappearances and to demand action from the state. After the breakdown of peace talks in August 2003, there had been an escalation in the numbers of cases of disappearances particularly in and around the Kathmandu valley,<sup>142</sup> and more relatives had started contacting and joining the mothers at their protests. At the beginning of 2004, SOFAD had opened a small office in Bagh Bazaar, and Kalpana estimated that between three and five hundred relatives of the disappeared had contacted them by then. Observers, who had visited the office at this time, told me that the walls had been covered with photographs of the disappeared. The office was becoming a place where those who

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<sup>142</sup> See ICRC data and report on Bhairabnath barracks (OHCHR 2006).



were searching for disappeared relatives could find advice, support and solidarity. This became particularly important for those who could no longer rely on support from their neighbours and communities, due to fear and suspicion that they were connected to the Maoists because their relatives had been disappeared by state security forces.

During the time of the Emergencies, mothers had more security to campaign publicly than other family members, because the respect for the role of the mother and idealisation of motherhood within Hindu society, gave social and cultural legitimacy to their actions as mothers (see Bennett 1983). This meant that it had been more difficult for the security forces to challenge their campaigns. There are several examples from other countries of mothers at the forefront of campaigns for disappeared relatives, who have succeeded in carving out public spaces to challenge disappearances, often in highly charged political contexts. The well-known Mothers of the Plazo de Mayo in Argentina creatively utilised idioms of motherhood in their campaigning (Bouvard 1994, Robben 2000), as did groups in Guatemala and Chile (Schirmer 1989). In Sri Lanka, the Mother's Front in the south of the country mobilised thousands of women. De Mel (2001) shows how the identity of mothers was more prominent, even though wives and other relatives were also involved in the movement, as indicated in the movement's name: the Mother's Front.<sup>143</sup> In spite of the prominent role that the mothers had played at the forefront of SOFAD's campaigning in these early stages, it has been men rather than women who have subsequently taken the main leadership roles within SOFAD.<sup>144</sup>

After King Gyanendra took control over the Government and declared a state of emergency in February 2005, it had no longer been possible to hold public protests. However, SOFAD's work to build links with families in the districts had continued. With the signing of the 12-point agreement between the Seven Party Alliance (SPA) and the Maoists in November 2005, the political situation had shifted again and, at the end of December 2005, SOFAD had organised a public meeting in Kathmandu to which families from across the districts and activists from human rights organisations had been invited. The day after this meeting, SOFAD had organised a sit-in (*dharnā*) protest outside the offices of the National Human Rights Commission (NHRC), which had included a protest action to lock (*tālchā lagāune*) the offices. The families involved in SOFAD had been angry that NHRC had not made more

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<sup>143</sup> She also documents how the Mother's Front was quickly appropriated by political parties, echoing experiences in Nepal.

<sup>144</sup> This has also been the case in CVC, CVSJ and in NEFAD, the independent disappeared families' movement.

progress with investigations of disappearances cases that had been filed with them. On the third day of the sit-in protest, Kalpana described how the police had come in the middle of the night as they were sleeping and removed them from there, taking them in vans to a bridge in the centre of the city and leaving them there. In March 2006, family members from the districts had been called to Kathmandu once again, this time to take part a sit-in protest, including a relay hunger strike, outside the offices of OHCHR.<sup>145</sup> Here they also had submitted a petition.<sup>146</sup>

In the summer of 2006, after *jan āndolan II* had succeeded in forcing King Gyanendra to restore democracy, SOFAD staged another sit-in programme outside the Bhadrakali Army Barracks, which lasted for nineteen days. Kalpana described how this had once again been led by the mothers of the four students who had disappeared in 2002. She recalled that, at the end of the war, they had experienced a period of renewed hope that some of their disappeared relatives would be released. This was not to be. Although the mothers continued to be involved in SOFAD, a shift in strategy had been underway: the search for disappeared kin was being transformed into demands for the rights of disappeared ‘citizens’.

### **Demanding Rights for Disappeared ‘Citizens’**

In September 2006, families from across the districts had been called to the First National Convention of the Society of the Families of Citizens Disappeared by the State (*rājyadwārā bepattā pārieko nāgarikkā parivār samāj*). The expansion of the family association’s name to refer to the disappeared as ‘citizens,’ resonated with shifts in public discourse and the media in Nepal at that time.<sup>147</sup> The convention had provided the strategic platform from which to criticise the state’s failed duties towards its citizens, by de-emphasising political identities and emphasising the civic identities of the disappeared. Disappearances had been highlighted as a betrayal of citizens by the ‘old regime’, a betrayal perpetuated by the continuing refusal to acknowledge the whereabouts of the disappeared. Accentuating the exploitative relationship between the state and citizens, was clearly to the political advantage of the Maoists, supporting their calls for regime change.

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<sup>145</sup> Representatives from the families of the disappeared in Bardiya had been called by SOFAD and also attended this protest.

<sup>146</sup> See OHCHR press release, 16 March 2006, ‘On the “relay fasting program” by Society of the Family of Disappeared Citizens by the State’: [http://nepal.ohchr.org/en/resources/Documents/English/pressreleases/Year%202006/MAR2006/2006\\_03\\_16\\_HCR\\_Family%20of%20Disappeared\\_E.pdf](http://nepal.ohchr.org/en/resources/Documents/English/pressreleases/Year%202006/MAR2006/2006_03_16_HCR_Family%20of%20Disappeared_E.pdf)

<sup>147</sup> Thanks to Bhaskar Gautam for offering this wider observation.

The name change of the society also reflected a transition to collective demands for public recognition of the disappeared and for compensation for families, in addition to the continued demands for information on the status of the disappeared. Human rights organisations were lobbying for the rights of conflict victims to truth, justice and reparations in parallel at this time (as explored in Chapter Five). Emphasising the identity of the disappeared as ‘citizens’, resonated with this discourse of human rights and presented broader possibilities for internationalising awareness about disappearances. However, because the Maoists had remained silent about those people they had disappeared, there had been little collaboration between SOFAD and human rights organisations on campaigns; though they had contact with NHRC, OHCHR and ICRC.<sup>148</sup> Nevertheless, there was some alignment on rhetoric: by campaigning for the disappeared as ‘citizens’, SOFAD’s demands had resonated with human rights campaigns that demanded rights of conflict victims and recognition from the state.

After the general elections of April 2008, and the establishment of the Constituent Assembly under the leadership of the Coalition Government headed by CPN(M) in August 2008, SOFAD’s public activities again decreased. Eight central committee members of SOFAD had become parliamentarians in the Constituent Assembly. Taking on responsibilities and duties to CPN(M) as serving parliamentarians, left less time for them to work for SOFAD. Some relatives had shared that they felt that these committee members had become less able to represent and work for the interests of the families of the disappeared, because of their political loyalty to the Party. Nevertheless, whilst the activities of SOFAD decreased, the leadership maintained access to the heart of CPN(M) and had been able, without difficulty, to secure an audience with Prachanda, whilst he was Prime Minister, to bring forward petitions from the families of the disappeared. SOFAD’s campaigning for the disappeared as ‘citizens’, had strongly emphasised demands for compensation and entitlements from the state. Whilst in Government, CPN(M) used their political power to push through a programme of relief payments for the families (see Chapter Eight). During the post-war Interim Government, compensation payments had been given to victims who had been targeted by Maoist violence, but no similar payments had been given to victims of the state. In advancing the payments to families of those disappeared by the state during their tenure in Government, CPN(M) were behaving in a way typical of other political parties: using their turn in power to benefit their members and potential supporters (see ICG 2010b).

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<sup>148</sup> For example at the end of August 2008, separate programmes had been held to mark the international day of the disappeared.

Within a year, another national convention of the families of those disappeared by the state had been organised by SOFAD, at which the identity ascribed to the disappeared was to shift its emphasis once again.

### **From ‘Citizen’ to ‘Warrior’: the National Convention, May 2009**

By May 2009, UCPN(M)<sup>149</sup> had led the Coalition Government for ten months with Prachanda as Prime Minister. On 4 May, he dramatically resigned in reaction to a dispute over the Chief of Army Staff, General Rukmangad Katawal. General Katawal had been in charge of the Royal Nepal Army’s western division during a period which had witnessed a number of disappearances. Prachanda had demanded Katawal’s resignation, but, with the backing of President Ram Baran Yadav, Katawal had refused to resign. On 9 May, just five days after Prachanda’s resignation, a large rally had been organised for the families of the disappeared in Kathmandu. Plans for a national convention had been scheduled some months earlier, but these plans had been postponed. In line with the Maoist movement’s spirit of continuous regeneration, this meeting had been declared the first convention of the Society of the Families of Warriors Disappeared by the State (*rājyadwārā bepattā yoddhā parivār samājj*). This demonstrated another shift in party strategy, this time drawing the disappeared into the narrative of war sacrifice alongside the martyrs, to acknowledge their contribution in building ‘new Nepal’ and to incorporate their relatives more fully within the ongoing movement.

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<sup>149</sup> CPN(M) joined with CPN (Unity Centre-Masal) in January 2009 to become the ‘United Communist Party of Nepal (Maoist)’ (UCPN(M)).



**Figure 15. First Convention of the Society for the Families of Warriors Disappeared by the State, May 2009.**

On that day, the families had marched in a procession from Ratna Park, winding through the streets of central Kathmandu, to the historic square at Basantapur, a space which was usually filled with temple worshippers, market stalls and tourists. I met the families as they congregated in the square and joined crowds on the tiered platforms around the temples (Figure 15). Strings of bunting printed with the Maoist flag had been hung around the buildings and across the square, between the temples and the Hanuman Dhoka Palace. At the northern edge of the square a large stage had been set up with an awning and chairs for guests, including sofas in the centre for the chief guests. A podium draped with the UCPN(M)'s red flag with its bold hammer and sickle stood to one side, ready for the speeches. In the middle of the stage, two tall flagpoles were supporting large flags which were swaying in the gentle breeze and along the back of the stage hung two large banners with row upon row of images of people who had been disappeared. Relatives had often carried placards pasted with photographs of their disappeared relatives during protests, but in the rally that day I had seen no placards with photographs, only those with written slogans. The amassed images of their relatives were instead symbolically on stage with the Party.

I sat on the tiered temple steps with Preeti, whom I had met six months previously at a local meeting of disappeared families and their supporters in the western hills. Preeti had come to the convention with young relative, a teenage girl she referred to as her niece. In their group were two other girls who were a little older, one whose father had disappeared. They appeared much more comfortable and confident in the political environment than Preeti's niece. Down below us, final arrangements were being made before the formal programme would start. Maoist songs were played over the audio system, interrupted intermittently by Ram, the chair of SOFAD and master of ceremonies for the programme. He directed some relatives to rows of plastic chairs that had been set out in lines near the stage, in front of which journalists and cameramen were gathering. A few minutes later, he began calling representatives to the stage, including leading members of SOFAD and leaders of several Maoist sister organisations. At one point, a cheer rose through the crowd and we turned to see that a car had arrived. Prachanda got out and the crowds parted as he approached the stage and took his place on one of the sofas.

Following a welcome by the chair of SOFAD, the wife of a comrade, who had disappeared near the outskirts of the Kathmandu valley, began the programme. In an emotive speech, she declared that families would continue searching and demanding that the whereabouts of the disappeared be made public, until their last breath. Her speech was the only one to be given by a relative of the disappeared that day. All the speeches that followed were delivered by senior representatives of UCPN(M) and its affiliated organisations, including UCPN(M)'s Central Committee, the Young Communist League (YCL), the All Nepal National Student Union (Revolutionary), the President of the People's Revolutionary Warriors Injured and Disabled Organisation, the Trade Union Organisation, the All Nepal Women's Association (Revolutionary), the Nepal Intellectual Association, the Dalit Liberation Front, the Martyrs' Families Society, and finally culminated with a speech by Prachanda himself. The speeches repeatedly spoke of the need to recognise the disappeared warriors' sacrifice. The sacrifice of the disappeared was attributed with power and strength, which it was claimed had already been demonstrated by the achievement of the movement so far in establishing a new republic. Echoing Lecomte-Tilouine's (2006) analysis of the martyrs within the Maoists' ideology, some of the speeches attributed to the disappeared an almost mystical power:

We have to incorporate (*ātmāsāt garnuparcha*) [the disappeared people's] emotions, their objectives, their goals. Their intention (*abhīsta*) is also to save this nation from the entanglement of foreign interference. (YCL Central Vice-Coordinator)<sup>150</sup>

The speaker claimed that taking on the 'emotion' and intentions of the disappeared would provide strength and direction for the future of the movement. In their absence, the disappeared provided a powerful voice through which the Maoists could articulate such political rhetoric. Invoking the 'dreams' of the disappeared, the President of the Maoist Dalit organisation took up the theme that their struggle had not yet finished, declaring:

In order to fulfil the dreams of the great martyrs and disappeared warriors, we have to be willing to give up more, to sacrifice (*tyāg balidānkā sāth*) once again. Only then will we be able to build a new Nepal.

His words pointed to the troubling way in which the sacrifice of the disappeared was invoked to foster further political mobilisation and sacrifice, continuing the cycle of violence. Within the Maoists' ideology, moreover, it was not only the disappeared, but their relatives who were seen as a source of 'energy' for the movement. The General Secretary of the Trade Union Organisation addressed the convention: "Dear relatives, this revolution needs your energy (*urjā*); you have to provide more strength (*sāhas*) to the revolution."

There had been growing frustration amongst the families, that UCPN(M) had not been able to do more to uncover the truth about their relatives. A representative from the All Nepal Women's Association (Revolutionary) addressed this disappointment directly:

We want to establish people's authority (*janatā ko sattā*) through self-sacrifice (*ātma balidān*). [...] we cannot establish people's authority until the regressives (*pratigāmīharu*), statusquoists (*yathāsthītībādī*), the imperialists (*samrājyabādī*) and bootlickers (*ātmāsamarpanbādī*), are finished. [...] Therefore, respected people, for you and us there is one pain (*tapāi hamilāi euṭā pīḍā cha*). We were hoping that when the Maoists were in power, information about our disappeared families' disappeared-warrior relatives would be made public (*sārwanik hunechan*). [...] But, we could not make these public even when our Maoists were leading the Government because we saw that the Nepal Army, which was involved in disappearance cases, has not yet democratized. Even today, it is not ready to stand on the side of the people.

In her politically charged speech, she had suggested that the families' pain and the Party's pain were the same. She had linked the failure to publicise information about the disappeared, directly to the power struggle between Prachanda and General Katawal,

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<sup>150</sup> The rhetoric of 'foreign interference' resonates with a long history of anti-West and anti-India political rhetoric within left politics in Nepal (see Hachhethu 2002: 37). It was often used vaguely, but criticisms could also be more targeted: of development aid, of India's role in influencing Nepali politics or, in the aftermath of the war, of UNMIN's role.

between the authority of the Government and that of the army. The Maoists had declared this to be an issue of ‘civilian supremacy’.

In the programme’s closing speech, Prachanda skilfully wove into one, the movement of the disappeared warriors, the current political movement to restore ‘civilian supremacy’ following his resignation, and the movement of the families to find the whereabouts of the disappeared:

The movement is not only the movement of disappeared warriors; this is the movement of the citizens. Until the disappeared warriors are publicized, we do not accept that civilian supremacy (*nāgarik sarvāchattā*) is established.

As Prachanda ended his speech, enthusiastic cheers were raised by the two teenage girls who stood near us. Not only the political rhetoric, but the event’s whole performance had been honed to rouse political sentiment and raise support. Songs and dances, performed by young people who were members of UCPN(M)’s cultural wing, had been interspersed with the speeches. One song had praised the immortal martyrs and urged listeners to look towards the new dawn that was coming, as Nepalis from the Mechi to the Mahakali awoke.<sup>151</sup>

Preeti and her niece had stood up and begun to make their way down the steps through the crowd, beckoning to me to follow, but I had hesitated for a few seconds too long and they became lost in the crowd. The families of the disappeared had been invited to congregate and move to the venue where they would continue their convention. As they assembled on the distant side of the square, I became aware that many in the crowd were political supporters who quickly filled the gaps as the families slipped away. It had been announced that another meeting would follow immediately. On stage, this second meeting merged seamlessly with the first, with only minor adjustments to the stage. Large photos of the Nepali communist veteran, Nar Bahadur Karmacharya, were raised at the front, with the images of the disappeared remaining as the backdrop. Another series of speeches, interspersed with political songs, followed, turning full attention on the political issue of the moment: establishing the campaign for ‘civilian supremacy’. The merging of these two meetings seemed to demonstrate Prachanda’s statement that, for the Party, the movement of the disappeared families and the political movement were one.

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<sup>151</sup> Two rivers that run along the east and west borders of Nepal.



Meanwhile, the families of the disappeared had made their way to a hall on the outskirts of Kathmandu. I followed later, accompanying other relatives of the disappeared, and enquired if I would be able to sit in on their further meetings. Ram, who had called me to the programme that day, explained that these were now ‘closed’ meetings and it would not be possible for those who were not family members to attend. Instead, he suggested that we could meet again the following week. The meetings of the national convention lasted for another two days. In conversations with family members afterwards, they explained that committee elections had been held and two Constituent Assembly members, who had been involved in the leadership of SOFAD previously, had retaken the positions of President and Secretary. A few weeks later, meetings had been held in Bardiya and there too party leaders had replaced junior activists in the leadership positions.

### **The Idea of the ‘Disappeared Warrior’**

A critical shift had taken place at the convention: the disappeared had been publicly recognised as ‘warriors’ (*yoddhā*) as well as ‘citizens’ (*nāgarik*).<sup>152</sup> In light of UCPN(M)’s failure to pressurise the state to reveal the whereabouts of the disappeared during their time in government, along with their unsuccessful attempt to push through legislation to criminalise disappearances and set up a Disappearances Commission, this symbolic action was one gesture UCPN(M) could make. By aligning the disappeared ‘warriors’ with the martyrs, they were publicly honouring their relatives. In an interview a few weeks later, the newly re-elected president of SOFAD had elucidated this:

First we said ‘*nāgarik*’ - this is symbolic and we chose this carefully. Now we are saying ‘*yoddhā*’ - fighter, warrior - because this gives the sense of their role in the People’s War that has brought change.

What was not articulated, but lay behind the words that drew the disappeared alongside the martyrs, was the recognition within the Party that the disappeared could no longer return. Institutionalising the sacrifice of the disappeared, as the Party had promised, would symbolically locate them in history and in the memory of the state. Entwined with these promises was an appeal to the families to support UCPN(M), at a time of political crisis.

When I had attended the meeting of families of the disappeared in the western hills at which I had met Preeti, this same Maoist leader had revealed the process of alignment of the

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<sup>152</sup> Whilst in the society’s name ‘warrior’ replaced ‘citizen’, in the speeches it became clear that this was an additional designation rather than a replacement.

disappeared with the martyrs, and their incorporation within a lineage of those who have sacrificed themselves for the nation:

The Martyrs' Trust is for all the leaders of the revolution (*krānti ka nāyak*) who have been sacrificed in the war, from the war of Nalapani until now, all who in the Madhesh movement, in the People's War, in the mass movement from 2007B.S., 2017B.S., 2036B.S., all who sacrificed and disappeared and all who have been injured or disabled.<sup>153</sup>

It had been explained to me later that the aims of the Martyrs' Foundation were: to institutionalise the martyrs' sacrifice; to provide health and education for their families; to keep the families socially and politically informed; to unite them to lobby for the disappeared; and to institutionalise the rights of the injured, disabled and martyrs.

At the same meeting, addressing families of the disappeared and the human rights activists present, the Maoist leader had spoken strongly against those who called the disappeared 'innocent':

For these warriors, you don't have the right to say, "I did not know.", "He had not done anything.", "He was innocent.". These great warriors (*mahān yoddhāharu*) were not ordinary people (*sāmānya vyaktiharū*). Understand this! You may feel that they were fathers, mothers, wives or husbands, but they are also the assets of the nation (*rāstrakā nidhi*). They are an institution for all of us. [...] They were warriors who were fighting to change this world, to change Nepal, to throw out the feudal authority, to institute the Constitutional Assembly, to bring about the people's democracy (*janavād*) and communism (*sāmyavād*).

His insistence on conferring political agency to the disappeared, had reinforced the Maoist vision of the people, united with the Maoists, fighting to establish a new state. His anger had marked clear lines of difference in the competing claims over the families, between UCPN(M) and the human rights organisations, challenging the discourse of victimhood. Families were being conferred with honour, but at the same time they were being asked to put their trust in the Party. The shift from identifying the disappeared as 'citizens' to identifying them as 'warriors' had re-prioritised relations with UCPN(M), and placed the collective goal above their individual relations with the state as citizens, and with their families as kin. In so doing, it had shifted attention from the families' demands for truth and justice for individual relatives, for which identification victimhood is important, to the broader collective goals of the revolution.

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<sup>153</sup> Nalapani refers to the 1814-1816 war between the Gorkhalis and the British East India Company; and the Madhesh movement to violence in the Tarai in 2007-8 over regional identity claims.

For some people, who were supporters of UCPN(M), the recognition of their relatives as warriors had been appreciated. A district leader of SOFAD, whose two sons had disappeared, had spoken with me about the pride (*gaurav*) relatives felt, and the honour (*ijjat*) that he had been given by the Party and his local community, because his sons were ‘disappeared warriors’. He had described how the respect and honour that self-sacrifice confers on the person martyred or disappeared, extends to their family members:

Because of the contribution of those who were disappeared and killed, now the monarchy has gone and New Nepal has been established. Out of respect for those who have given their blood, they give respect to us and listen to what we are saying.

[...] To be able to say, “I gave birth to a disappeared warrior,” makes the mother proud. The father is also proud. His brothers are able to say that, “I have a brother who was a warrior. He fought and this is what happened. We are a warrior’s family.”

A little later, he had added: “Without sacrificing something you cannot get something else. Our sons have sacrificed for the country.” His words illustrated the power of Maoist rhetoric and conviction for those who were integrated into the movement, and had shown that some people had adopted this. Yet, his appreciation that his sons had been recognised as warriors did not lessen his conviction that families had to organise to fight for justice:

But we also have to make ourselves strong [...] because tomorrow anything could happen. This is the important thing, to empower our organisation. Anything could happen to the Party, but we cannot stop fighting for justice.

In conversations and interviews with other party members and supporters, their narratives had woven between the party line and personal experience. In an interview with a CPN(M) Constituent Assembly member who had also lost two sons, he too had spoken personally as well as reiterating the party line. He had emphasised that the pain of living with the uncertain absence of his son who had disappeared, was very different from the loss of his son who he knew had been killed and was a martyr. He had explained that, on a personal level, it was more difficult to cope with the uncertainties and ambiguities of disappearance, even though the political rhetoric of sacrifice was drawing a comparison with the martyrs.

## **The Discourse of Sacrifice**

The discourse of sacrifice and martyrdom in Maoist ideology in Nepal has been explored in detail by other scholars. Lecomte-Tilouine has considered the symbolic power of sacrifice and, in particular, its “generative capacity”: “sacrifice aims at creating a better world on earth through its generative power of multiplication, which will help to realize the ‘dream of

the martyrs' (2006: 52)."<sup>154</sup> She has noted that the status of martyr has been conferred by the CPN(M) on all those killed by the state, irrespective of their association with the Party (ibid.: 62), which mirrors the Party's policy in relation to the disappeared. She describes how the 'family of martyrs' includes not only those who have died, but all the Party's comrades (ibid.: 57).<sup>155</sup> Through self-sacrifice, martyrs become part of this family, which is a source of power for the revolutionary movement. In her work on young people who became involved in the Maoist movement, Zharkevich observes how youths narrated their involvement in the movement through discourses of sacrifice, and explores how this links to ideas of moral personhood and an "ideological commitment and dedication to a certain vision of the future" (2009: 90).

In her study of revolutionary rhetoric within Maoist songs and iconography, de Sales (2003) explores how the blood of the martyrs, offered in self-sacrifice, ritually unites and gives power to the movement:

By giving their lives the martyrs create unity among the people who remember them and worship them. In becoming one kin the powerless gain power over the enemy (ibid.: 21).

These are powerful idioms of kinship and affinity between the martyrs and the living cadres. It is through the martyrs' blood that life-giving power flows: "Soaked with the blood of the martyrs, the soil germinates, power grows" (ibid.: 20). She notes that this echoes the standard Hindu sacrifice, in which more life is said to be generated by the taking of life in rituals. However, the important difference in the Maoist revision is that the martyr becomes the sacrifice and offers his or her life rather than the life of another (de Sales 2003; see also Lecomte-Tilouine 2006). The name of the cultural association involved in producing the songs that de Sales analysed combines these metaphors of kinship and sacrifice: *Raktim Parivār* (Family of Blood). Understanding these metaphors helps to explain the tension there was between the living relatives of the disappeared and the Party.

Within the Maoists' ideology, Lecomte-Tilouine (2010) has documented how the martyrs are absorbed into an anonymous collective, where individual identities are no longer important. This resonates strongly with the processes I have observed with the disappeared. In the case

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<sup>154</sup> Kwon (2006) has noted similar ideas about fallen revolutionaries having regenerative power for the future in Vietnam.

<sup>155</sup> This metaphor of family was used by an elderly woman Ogura spoke with in Rukum who joined the CPN(M) after her two sons were killed by police: "Though I have no sons any more, the party comrades are cultivating our fields and helping to build a house. Now the Party is my son and my sons are the Party" (2007: 439).

of the martyrs, she observes that only the ‘living martyrs’ have the opportunity to maintain their individual identities. Biographies of these ‘living martyrs,’ those who were presumed to have died but miraculously survived with their accounts of the war, have been emerging in the Nepali press.<sup>156</sup> In her discussion of war poetry, Lecomte-Tilouine describes a “strategy of depersonalisation” which allows emotional bonds to be widened to include “the whole revolutionary family” and “encourages the individual not to consider the loss of a close relation in a personal way, but to resituate the loss within a wider context” (2006: 56). Regarding the disappeared, the Party had suggested to families and friends that continuing with the work of the movement was a “sign of homage.” As well as the martyrs’ blood, the sorrow of families is viewed as another force, a source of “energy (*urja*), anger and the determination to take revenge” (ibid.: 57). Similarly, UCPN(M) actively sought to further the revolution by acquiring the families’ pain and the sacrifice of their disappeared relatives.

A relative had shown me a letter received from UCPN(M) written on the 14<sup>th</sup> anniversary of the People’s War and Martyrs’ Week 2065, entitled, “Letter of honour and remembrance”. Addressed both to those who were ‘independent citizens’ and to those who were party members, it stated:

Federal Nepal was established through the People’s Movement and the peace process. This was achieved after the war fought by great warriors who were sacrificing, and were ready to commit their lives for liberation. In the course of our struggle, many were made to disappear. We want to express our commitment once again that we will complete the rest of the work and find out the whereabouts of the disappeared.

The final paragraph read:

You all are suffering every day because of the pain of the disappearance of your family members. The issue of disappearance is getting more complex day by day and questions the completion of the revolution. We have no other option than to use our pain and suffering against the class enemy and unite for the revolution with added responsibility. We have provided this letter of honour and remembrance to the disappeared comrade [blank space for name] in his honour and memory on the occasion of 14th anniversary of the Peoples’ War and Martyrs’ Week of 2065 BS.

This letter gave honour and respect to the disappeared person, and conferred recognition on their families. The Maoists’ incorporation of the disappeared into the collective of self-sacrificing warriors, who were politically powerful in the ongoing struggle over the state, was again evident. The letter recognised the families’ pain and demanded that this be offered so that its power could be harnessed for the movement. In so doing, UCPN(M) had

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<sup>156</sup> See Hutt (2012) for an analysis of some of these memoirs.

attempted to appropriate the relatives' pain. The letter gave assurances that UCPN(M) would pursue information about the whereabouts of the disappeared, but had made clear that this would be done in the context of completion of the overall political struggle. UCPN(M) was putting pressure on the families to give their allegiance to them exclusively.

The history of the development of SOFAD, the political speeches, my interviews with party leaders and this letter have all illustrated how families' attempts to search for their disappeared relatives have become intertwined with the Maoists' political project. The second part of this chapter turns to consider the relations between CPN(M) and families in Bardiya, and how many have resisted the incorporation of their relatives and their own experiences of loss into the Maoists' ideology of collective sacrifice.

### **Perspectives from the District**

Amongst the families I knew in Bardiya, a few had clearly stated that their relatives had been Maoists, but in most cases involvement had been denied or had remained ambiguous. Over time, a few people had hinted that their relatives had had some involvement in political activities or had been sympathetic to the Maoist movement, for example, by mentioning that relatives had attended Maoist public meetings. Significantly, both UCPN(M) leaders, human rights workers and relatives who had identified themselves as Maoists, had confirmed in interviews, that the majority of those who disappeared in the district were civilians and were not party members, even though some had been involved with local level Maoist activities and others were sympathisers (see also OHCHR 2008).

A local committee of SOFAD had been established in the district during the war. Meetings were infrequent, but were held when directed by the national SOFAD leaders. Outside of Kathmandu, SOFAD appeared to be less clearly distinguished from the wider party structures and programmes. There was no separate local office where families could drop in. The families referred to the Party, rather than SOFAD, calling them to take part in protests about the disappeared. When the relief money for disappeared families arrived in late April 2009, it was the district party office that provided support to families directly: the process was managed by Party's network of local activists (see Chapter Eight). Relatives had been assisted by party workers to complete the bureaucratic paper work. A much smaller number of families had previously received practical support from the Party. Small amounts of land had been given to those who were left most vulnerable economically; labour support had been offered to others during busy agricultural seasons; and scholarships to schools, that had

been newly established by the Martyrs' Foundation, had been offered to 'orphans' of the disappeared who had lost a parent.<sup>157</sup>

Some of the original members of the local committee of SOFAD had belonged to the small group of relatives which formed whilst searching for their disappeared relatives (see Chapter Five). The same group had been encouraged by international humanitarian and human rights organisations to set up an independent victims' association, CVC, which had become the largest and most influential group in the district. A small number of relatives of the disappeared, including the district officers of SOFAD, had been sent as representatives to the May 2009 national convention in Kathmandu. At a follow up meeting in Bardiya, the national leaders of the newly re-branded Disappeared Warriors' Family Society had spoken. In July 2009, in the district party office, I met with Santosh, the President of the Regional Disappeared Warriors' Committee, one of those who had been at the national convention. He spoke of the disappeared warriors' historic contribution, echoing the rhetoric of the national convention. In this district, where the majority of the disappeared had been civilians, not party members, the political rhetoric was more exposed.

During the time of the war, families of the disappeared had been approached by the Party both with offers of support and suggestions that they should join the Party to seek revenge. Others had been invited to participate in Maoist programmes. One woman, who had identified herself as a party member, spoke with me of having felt responsible to take on the dream for which her brother, a party member, had been fighting when he disappeared. She spoke of others who had become involved with the Maoists since the disappearance of their relatives, suggesting that it seemed as if the state had wanted to persuade their relatives to work for the Party. The activity of human rights organisations in the district had presented relatives with a strong parallel discourse for their loss, emphasising victimhood and rights rather than sacrifice and honour (see Chapter Five). Whilst human rights discourse appeared to have had more influence on the ways in which most relatives understood their loss, relatives were eager to accept any assistance that may help them find information about their relatives or make their current living circumstances a little easier.

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<sup>157</sup> Party support and fundraising for martyrs' families has been noted by Onesto (2005).

## An Interrupted Meeting

One afternoon in March 2009, a group of relatives met, facilitated by CVC, to set up a micro-credit group in their village.<sup>158</sup> All those who had gathered were Tharu and there were a few more women than men. The men sat on a bullock cart behind, and women on a low wooden *khāṭ* in front of them.<sup>159</sup> As the meeting was about to begin, an upper-caste man arrived asking why he had not been informed. His daughter had been killed during the war and he was known to be a Maoist activist. It was explained that the meeting was specifically for families of the disappeared, nevertheless, he chose to stay.

Mohan opened the meeting, explaining that an “international organisation” was providing funding for a micro-credit programme, because it recognised that the families had had to spend their savings searching for their relatives. This support was directly linked to their identification as human rights victims who were seeking justice. After an explanation about the functioning of the micro-credit group, the discussion turned to the news that the Disappearances Ordinance had been passed in Kathmandu. Of particular contention was a clause that proposed that the maximum punishment for someone involved with disappearances would be five years in jail. On hearing this, one woman commented: “If someone kills a man he gets twenty years punishment; why only five years [for a disappearance]?” Another responded: “That person should be killed, just like they killed our relatives.”

There was frustration that the Maoists had passed this legislation. Mohan voiced this:

Before, the Maoists used to say that they would not sign the Peace Accord without knowing the whereabouts of the disappeared citizens. Then they said that without knowing about the disappeared they would not go into government. Even the Supreme Court has ordered the Government to make public information about the disappeared, but until now they have not.

There was deep disappointment that the Party had not been able to help the families, and a growing sense that the Party was betraying their promises. There was also disappointment that a Maoist Constituent Assembly member from the district, whose husband had been killed, now remained silent about the concerns of victims. “We do not have a hope that they are living, but we have rights to know where they were taken and how they were killed,” Mohan told the group. The Maoists had recently announced that there were 7,000 martyrs

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<sup>158</sup> It was part of a wider project supporting the victims’ association’s work on human rights and advocacy funded by a European embassy.

<sup>159</sup> A *khāṭ* is a wooden bed frame, strung with ropes, used both as a bed and as a seat.



from the People's War, giving them official recognition and offering their families respect. Comparing this with the situation of the families of the disappeared, Mohan reflected, "But today the disappeared are treated with contempt (*hela*) by society."

A lengthy discussion ensued, in which several people voiced anger and discontent about the disparities in relief and compensation payments. Some families of those who had been killed had allegedly received up to ten times as much as the one lakh agreed for the families of the disappeared.<sup>160</sup> The upper-caste man known to be a Maoist activist had been offering some of the most vociferous criticism of the Party during the discussion, creating a sense of unease: "They have used us like a ladder, but when they have reached the top they are just looking down on us." He suggested, "Let us, all 200 families, go and surround the party office." Mohan responded firmly but calmly, "The agency who gives us rights is not the Party but the Government. Therefore, we have to raise our issues with the Government."

Mohan had been in the middle of speaking when he was interrupted by the arrival of two men on a motorcycle. They gave no greeting or introduction, but it quickly became evident that they were Maoists. One was a district-level leader of a high-caste background and the other, a youth who spoke little, was the local Maoist 'in charge' for the village. Whether this district leader had happened to be passing through, or whether he had been informed about the meeting, was not clear. He had walked into the gathering and demanded: "What's happening? Are you holding a meeting?" The man who had been criticising the Party retorted: "We are not meeting, we are just crying." Mohan took a more cautious approach, calmly introducing himself and explaining that his father had been disappeared. He described CVC and confirmed that its purpose was to fight for justice for conflict victims and to disseminate information. He clarified that they were not a political group.

The Maoist leader took over the discussion, interrogating Mohan further about CVC and its connections, before launching into a speech about the Maoist movement:

Our main aim is to capture the state. Right now we are only in the Government. Without capturing the state and establishing the Tharuwan federal state, the dreams of the martyrs and disappeared will not be fulfilled.<sup>161</sup> Yesterday we were in the People's War and right now we are in the People's War.

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<sup>160</sup> The political debate about the official identification and recognition of national martyrs (which linked to compensation payments) was growing – see 'Taskforce to set criteria for martyrs' *Republica* 20/12/2009 [http://archives.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=13051](http://archives.myrepublica.com/portal/index.php?action=news_details&news_id=13051)

<sup>161</sup> This was the state UCPN(M) were proposing to establish for the Tharus in a federal Nepal.

He went on to explain that the fight was the same but the means had shifted from armed struggle to political struggle. He told them not to judge the Party yet: “You should not say the Government doesn’t do anything: relief is already here; the Disappearances Commission has yet to be formed, but the Ordinance is already passed.” He declared that the Party has never done anything outside the interests of ‘people’s democracy’ (*janatantra*) and, if the Party was to go against this, he would side with the people. He explained that the Government had two priorities: development; and, most importantly, making the new constitution. He told them that they should not raise the issues of the martyrs and disappeared families so much, suggesting that the Maoists had a larger strategy in relation to their ‘war front’ (*yuddha morcha*) and that they were dealing with “major and minor issues” accordingly.

It appeared that one of his concerns was to establish whether the group had links to NGOs. He told those gathered that they should not allow NGOs and INGOs into their villages. At this point Mohan responded: “We don’t say to anyone ‘Follow this ideology’, but we also don’t say to anyone ‘Don’t follow that ideology’.” He reasserted: “We are neutral. We are raising our voice for our rights to justice. We want to put political things aside.” The debate continued for more than an hour and a half, with the Maoist leader justifying and explaining the Party’s actions and declaring that they should trust the Party to take forward their issues, at the appropriate time. At one point he used the metaphor of a mother giving birth to the revolution to describe the pain that the Party felt about the conflict victims, but behind this metaphor, again, was the concept of sacrifice. This metaphor served almost to ‘naturalise’ this pain and sacrifice. As the district Maoist leader drew the discussion towards political agendas and the wider goals of the Party, Mohan calmly, but insistently, countered this by raising the concerns of the disappeared families and their rights. He asked why the punishment for disappearances in the Ordinance was only five years; and why some families of those killed had received compensation twice, whilst families of the disappeared had received nothing. He asked the Maoist leader to go to the houses of the families of the disappeared and speak to them: “Some people are so needy they are signing death certificates in order to get one lakh,” he explained. The leader responded:

The weaknesses are not only the weaknesses of the Party but the weaknesses of the state. On the day when the Party is broken, I will leave. [...] We are doing what we can. When a child is born the first word they learn to say is “mother” not “father”. They love their mother. Like this, people love the Party. We have got *lokatantra* (democracy). Our martyrs and disappeared families, it’s their blood that has taken the King from power.

He continued:

We've had only 7 or 8 months so far. We will make a new constitution and then there will be a five-year government. If this Government is not working for the people, then the people should raise up at this time. We will not compromise on the constitution, for those who lost their blood in the ten year war.

Mohan again drew the conversation back to the concerns of the families: "Is it right that [named army major]<sup>162</sup> should get only 5 years [imprisonment]?" The Maoist leader did not answer Mohan's question, nor did he recognise the personal grief and anger that lay behind it. Instead he continued to insist that questions about the state should be the focus of attention:

Is the state successful or unsuccessful? If the Maoists were unsuccessful you would all be in jail and the King would be back.

His refusal to answer Mohan's questions and his consistency in defending the Party, gave a clear message that the Party's political success and their ongoing campaign to transform the state was their priority. The costs of this in terms of lives, and the pain experienced by thousands of people across Nepal, could not be debated on a personal level or discussed outside the tightly controlled rhetoric of sacrifice. Speaking on behalf of UCPN(M), his refusal to listen echoed the state's denial of the disappeared and its refusal to see the pain of their relatives. Despite his repeated encouragement to raise problems and complaints directly with the Party, his interaction did not evoke confidence that they would be heard.

At one point the Maoist leader had rebuked Mohan, saying that Tharu people were "simple" and "uneducated" and, therefore, easily influenced, so he should not criticise the Party in discussions with the group; rather he should raise any problems directly at the party office. Ironically, he was performing the exact stereotype that Mohan had spoken of some minutes before the leader had arrived, when he had expressed frustration about the condescending way in which political actors had engaged with them. He had spoken of how others had treated their community with disdain, "Everyone thought, 'These are Tharu people, if we want to raise them up we can raise them up, if we want to put them down we can put them down'." Later as I was reflecting on this meeting I recognised the skill with which Mohan had spoken and the way he had utilised the meeting as a forum to educate and inform his community, and realised how closely his role echoed the descriptions his family had given of Mohan's father's awareness-raising work. Mohan's skills in communication and in mobilising the community were clearly admired by the Maoist leader, but were also viewed

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<sup>162</sup> The man he held responsible for his father's and many of the other disappearances in the district.

as threatening in their potential to encourage independent criticism of actions taken (or not) by the Party. There was a marked contrast between Mohan's calm, careful style of leadership which presented information and gave analysis, but also listened and responded and did not seek to dictate; and the more aggressive, domineering style of the Maoist leader who sought to dictate vision and direct actions.<sup>163</sup>

Other than a few interjections from the man known as a Maoist activist, and a brief query from another man, everyone had remained silent during the Maoist leader's speeches. The women had spent much of the time looking down or away, the language shift from Tharu to Nepali acting as an additional barrier to their participation. Amongst those gathered, I knew that two had relatives who had been disappeared by the Maoists. I had looked over to Gita at one point when the Maoist leader had stated: "We'll help you, but you also have to help us" and noticed a momentary change in her expression. She had described to me the previous week how her husband, an off-duty policeman, had been abducted by Maoists from the road near their home (see Chapter Four). In the discussion that afternoon there had been only a passing reference to those the Maoists had disappeared, and no place to express anger and disgust at the actions the Party had taken. Instead she had had to listen to the long speech praising the Maoists. The change I had seen in her expression was fleeting and for the rest of the discussion Gita's emotions remained locked within a hollow, blank expression.

### **Wives' Responses to the Maoists**

During the annual Martyrs' Week events, the Party organised public ceremonies to honour the families of the disappeared in Bardiya. At one of these, they had presented families with photographs of their relatives that recognised their contribution to the People's War, which had been printed on small lacquered boards. Superimposed in red lettering across the top of the photographs were the words, "Disappeared during the People's War by state forces" and the name of the disappeared person.<sup>164</sup> At the bottom, in the same red lettering, were details of the person's birth date, the date and place of disappearance and the person's original place of residence (Figure 16). Women sometimes showed me these images of their husbands during our conversations. Some had these photographs on display, but more often they were kept in the inner rooms of the house. In a context where often people had few photographs,

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<sup>163</sup> I met several other Maoist leaders and activists in the district, several of whom had close relationships with local communities, often being of the same kin or neighbourhood networks. Many had expressed much greater empathy with relatives of the disappeared than the leader at this meeting.

<sup>164</sup> The aesthetic of red lettering, symbolising the Martyrs' blood, is similar to that noted in Maoist iconography by de Sales (2003).

these photographs were valued. Nevertheless, the inscriptions that symbolically claimed their relatives for the Party were not always appreciated. One woman had asked if I could reprint the photograph of her husband without the Party's inscription, using the same small passport photograph they had enlarged.<sup>165</sup> Although relatives were willing to accept support and to join protest programmes organised by the Party for the disappeared, none of those I met in the district, with the exception of a man who was a full-time party member, had adopted the Party's discourse of sacrifice in speaking about their loss.



**Figure 16. Photograph of disappeared man given by CPN(M) and hanging at doorway of the family home, January 2009.**

Kamala's words at the start of this chapter made a clear distinction between those people who had chosen to "kill or be killed" for the Maoist movement, and those who were "taken from their homes whilst they were sleeping". In account after account, wives recalled painful memories of their husbands being taken from amidst their everyday lives: the violent rupture of disappearances and the after effects in the everyday continue to mark their daily experiences of loss (see Chapter Four). Participating in programmes and protests organised

<sup>165</sup> Another relative asked me to collate passport photographs of all her family, including her disappeared husband, in one family portrait.

by the Party and human rights organisations had had a toll on family life. On one occasion, Kamala had come back from a programme in Kathmandu later than expected, to find her children eating husks because the rice stocks in their house were finished. For most of the women I met, it was their children and providing for their household that were their immediate priorities, rather than broader political goals. Kamala's hopes for the future were expressed in relation to her children: "Whatever happens to me I want my children to study. Whatever pain I have, I do not want my children to have."<sup>166</sup> For many women, memorialising their relatives' sacrifice was not enough; they required concrete information about their relatives' whereabouts and the return of their bodies, alive or dead. Kamala's words expressed their frustration and also pointed to the larger issues at stake for the new Government:

During the *sankatkāl* people died. But they have to make this information public. We are all people, from both sides. But the people who have reached the top are not telling us. Now we do not trust any parties.

The Party had invited some women to participate in a district programme to respect relatives of the martyrs and disappeared. Janaki described how they had been given garlands and *ṭkā* as a sign of respect and been told: "Don't feel pain because we will not forget the martyrs' dream. We will not spoil the blood they gave for us. We will continue their fight." The relatives were encouraged to share their problems with the Party. Janaki's response as she recounted this event was:

That's OK, but it depends on what they do...Until now the Party continues to give us respect, but I don't believe as strongly now. They say, "The person has gone not just for one individual; he's gone for the whole world."

This appeal to see the disappeared as having made a sacrifice for the greater good, attempts to draw relatives away from the personal dimensions of their loss. However, as described in Chapter Four, loss directly affected these women's social positions and relations, permeating their everyday experiences. This could not be altered through rhetoric.

It was the help that the Party had given Janaki in showing her how to search for her husband that she had most appreciated:

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<sup>166</sup> For a similar observation amongst women who survived riots in a Sikh community in Delhi see also Das (1990).

I didn't know how to find out about my husband. It is good that someone could show us the way.

She then spoke about being part of a hunger-strike programme in Kathmandu and of going without food for seven days. These women had themselves taken on suffering in their campaigns to find their relatives. However, their motivations had been personal, based on their relations with the disappeared; they had not interpreted their suffering as part of the Maoists' political campaign. Janaki explained, "I have to do these things to search for my husband, even if it is painful."

As a counter to the Party's alignment of the disappeared with the martyrs, Janaki clarified the differences between the experiences of wives of the disappeared, compared with widows of the martyrs:

They give respect in the same way to the disappeared and the martyrs, but there is a difference with the martyrs. It is already confirmed that the person has died. For the disappeared, we don't know this yet. The wives of the martyrs don't wear *sindhur* or bangles, whereas the disappeared wives do wear these.

[...] We do not know if [our relatives] are dead or alive. If they are alive what condition are they in? For the [relatives of the] disappeared it is like a wound and whenever people are asking, it is like hitting the wound. But if we don't tell the doctor about our wound, how can the doctor give treatment for our pain? How can they do an investigation? Like a doctor would treat my wound, my treatment would be to find out the truth: to be shown the person alive, or to be given the dead body. Or if they can say he has already been killed. That would be the treatment.

Her illustration of a wound awaiting treatment described vividly the pain of living with the ambiguity of the loss of the disappeared. She explained that it was an ever-present pain: a wound that would not heal. This pain was felt again whenever people asked her about her husband's disappearance. However, even though it was so painful, she continued to talk with those who asked because she hoped that they would be able to help 'treat' her pain: to help her to find the truth of what had happened.<sup>167</sup> Her words cut through the layers of rhetoric about sacrifice, to the primary concern of the wives: to discover the personal and particular truth about her own husband's disappearance.

## Conclusion

Maoist rhetoric has appropriated the disappeared for their political campaign, reframing personal loss as sacrifice. The disappeared have increasingly been aligned with the 'family

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<sup>167</sup> This raises an ethical challenge to the researcher no less than to the Maoists or human rights organisations (see discussion in Chapter Two).

of martyrs', born out of the self-sacrifice of individuals, that is claimed to have regenerative power for the movement. The individual identities of the disappeared have been incorporated into this abstract collective, as was vividly portrayed in the amassed images on the poster (Figure 13). Tracing the use of photographs, has revealed how the amassing, displaying and redistributing of the disappeared people's images by (U)CPN(M) has become as much about claiming the disappeared, as about recognising them. However, the incorporation of the disappeared into the rhetoric of sacrifice was not complete. It was not fully accepted by families who maintained the distinction between the disappeared and the martyrs. Though some families' relatives had been working for the movement, they still demanded justice for their disappearance: to know the 'whereabouts' and 'condition' of their relatives, and for prosecutions of perpetrators. The families' continued connection with their relatives, either through holding open the possibility that they may return, or through demanding specific accountability and justice for their loss, has created a resistance to the identities of their relatives merging into the amassed collective of 'the disappeared'.

For the Maoists, 'the disappeared' have become a powerful political symbol: the disappeared as 'citizens' were a means to challenge the old state, and the disappeared as 'warriors' have held ritual power for generating the new state. Verdery has noted the effectiveness of dead bodies as political symbols that can accumulate symbolic capital for political transformation, and Sant Cassia has observed that "absent or hidden dead bodies" are even more effective in this regard (Sant Cassia 2005: 25 citing Verdery 1999: 33). In contrast to the symbolic power of the disappeared for the Party, families' personal pain and experiences of loss stand as a quiet testimony to the ongoing impacts of political violence on family life. It is the ambiguous status of the disappeared that has enabled their identities to be appropriated and manipulated for political ends. However, it is also this ambiguity that resists their detachment from their families and their incorporation into the Maoists' 'family of martyrs'. Whilst there remains a possibility that the disappeared person might still be alive, or that the person's body might still be retrieved and returned, the family continues to pursue truth and justice for that specific person.

In spite of SOFAD's close links with the Party, and the recent shift in leadership back towards more senior party leaders, amongst the families involved with SOFAD tensions had remained with the party line. Ideas about justice had differed significantly: the Party had emphasised collective justice and the changes that would be brought about when a people's republic would be established; and families had maintained a desire for investigations to find



out about their particular relatives, and to see the individuals responsible for a particular relative's disappearance face justice. This remained a highly sensitive issue. The Party had highlighted the difference between addressing individual and collective forms of injustice: focusing on the cases of the disappeared, or working to ensure social justice for all, in the form of '*ghās, bās, kopās*' (food (*lit.* fodder), shelter and clothing). For the disappeared, there were differing opinions about whether the expected outcome should be truth alone or also prosecutions. One Party activist had stated simply that there was an "impossibility of justice" if a person was permanently lost: nothing was going to bring the person back. He suggested that rather than fighting for a relief package that would soon be spent, they should all fight to establish a new kind of state that would benefit future generations. Another leader within SOFAD had explained that there should be different phases of justice. The first was for the state to return those people, whom they had taken, alive. The second was to pursue the legal process and investigate who the perpetrators were; so long as the person disappeared was innocent and not classified by the Party as a criminal, he had added. The district leader of SOFAD in Bardiya had reflected that the current laws did not give justice to people who were suffering injustice, because people could "buy justice", even when it is they who had committed the crime. That was why there first needed to be a new constitution, he reiterated.

With respect to gender, this chapter has highlighted how motherhood had been valorised within SOFAD's campaigns on disappearances. This valorisation of women as mothers stands in contrast to the marginalisation of women as wives in their families and communities (see Chapter Four). The role of mothers at the forefront of the movement during the earlier stages of SOFAD's activities, illustrated how this gendered role was strategically employed to challenge the authorities and create a public platform to protest disappearances during the time of the war. The Maoist rhetoric of sacrifice similarly respects the mother for having given birth to a warrior, and has metaphorically utilised women's pain during childbirth to describe the pain involved in bringing about a new political reality. Much has been written about the links between ideas of motherhood and producing the nation, both in South Asia (e.g. Sen 1993, Silva 2004), and more widely (e.g. Jean-Klein 2000). However, the position of wives of the disappeared has stood in sharp contrast to that of mothers. The particular social, legal and economic difficulties they have encountered have been largely ignored. Whilst the Party has sought women's participation, it has largely neglected the ongoing violence that women as wives have faced as a direct result of their husbands' disappearances. For most of the women I met in Bardiya, they did not accept the

Party's political ideology about their disappeared relatives, whether or not their husbands had been involved, or sympathised with, the Party. They lived, daily, with the personal consequences of loss, and the political narrative of sacrifice could not address their need for specific truth about their disappeared relatives.



## **Chapter 7. Protesting Loss: Countering Silence and Trying to Be Heard**

By voice, I do not mean the way one speaks, but rather the way one ought to speak if one is to be heard. By listening, I mean an act that acknowledges and in some measure transforms the speaker. (Burghart 1996: 300)

In the spring of 2009, relatives of the disappeared in Bardiya, along with other conflict victims, organised a series of rallies and actions to protest that the Government had not listened to their suffering. Their search at the gates of army barracks had transformed into broader movements that had linked with other actors to petition the Government, and pursue truth and justice from the state. The previous chapters examined how human rights organisations have taken campaigns about the disappeared to national and international audiences (Chapter Five), and, in a separate arena, how the Maoists have taken up campaigns for those disappeared by the state (Chapter Six). These actors have promised to broker claims for truth and justice with the state through their different networks of relations and resources. However, in the course of advocacy and campaigning they, in different ways, have appropriated the disappeared for broader political and organisational interests.

The relatives' protest programme in Bardiya was a reflection of their frustration that, despite promises from these other actors and from the state, they had seen no response. In deciding to take forward the protest programme independently, they were reclaiming the campaign for their disappeared relatives and asserting their right to speak for themselves. The first of the series of protests was organised by CVC and the second involved CVC members, but was organised by relatives independently. Both were attempts to 'speak to the state' directly, rather than relying on intermediaries. Through these protests, relatives of the disappeared attempted to assert the moral legitimacy of their claims as victims and to create a public space from which to be heard. This chapter considers how successful these protests were in this regard and observes how their claims were articulated. It explores how far relatives managed to articulate their claims in their own voice, as well as the extent to which their protests were influenced by the repertoires and rhetorics of human rights organisations and the Maoists. It looks in detail at how events unfolded: at speeches, slogans and petition documents, and at the complexities of relations between the relatives, other actors and the state officials.

Protests and rallies about the disappeared have occurred in a field of contentious politics (Lawoti 2007, Tilly and Tarrow 2007) in which collective action and alignments between victims of the conflict, and NGO and political actors, have fractured and shifted with the changes in the wider political context, but have also found periods of resonance across divergent agendas. The culture of protests and rallies is not new to Nepal. In this chapter I draw on Burghart's insights about the teachers' protests and general strike of 1984-5, to reflect on some of the complexities of the victims' protests, particularly in the way in which they imagined and addressed the state. Burghart combined a close analysis of events with historical and cultural insights into how the teachers' protest became a much wider general strike, describing how they progressed within what he refers to as the "lordly political culture" of the monarchy-led Panchayat regime (1996: 317). The political context of 'transition' in the aftermath of the war, marked as it was by uncertainty and overlapping assertions of political and moral authority, with political parties playing a dominant role (cf. ICG 2010), was considerably more fractured than the regime Burghart had encountered.<sup>168</sup> The need to situate analysis of protest actions within a wider understanding of cultural and historical processes arguably becomes even more pertinent in this context. Burghart's insights on voice and listening, and his analysis of how effective protests created the moral space within which claims could be heard by the ruling authority – what he referred to as "the conditions of listening" (1996: 300) – are particularly relevant to the claims made by relatives of the disappeared and the question of recognition of the disappeared more broadly. In the final section of this chapter, I will consider to what extent the protests allowed for the relatives' loss to be recognised and their demands to be heard.

## **Victims' Protest Rally**

Two hundred yards behind a main street in the district town was an open area, in which stood a large grove of trees. It was common ground where children played, animals grazed and older youth played cricket. One day in late March 2009, relatives of the disappeared gathered in the shade of these trees with other conflict victims, over a hundred people in all. (Figure 17). Mostly one member had come from each family, travelling together with others from their VDC. Many relatives had cycled or walked for several hours to reach there, and those from the farthest edges of the district had come by local bus. The relatives sat in small groups, waiting for events to commence, and CVC's leaders stood talking together in the

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<sup>168</sup> Even at the time Burghart was writing, this "lordly political culture" was being challenged by the growing strength of political parties, who espoused a more secular political culture. My thanks to Bhaskar Gautam for this observation.

centre of the gathering. A few observers sat or stood around the edges, including: myself and Bijay; a young social worker from a local NGO; Suresh, the human rights lawyer; a representative from another human rights organisation, who was also a local journalist; and a man leaning on a bicycle who was wearing a bright green and yellow t-shirt, and who I later discovered was a plain-clothes policeman. At the edge of the grove of trees, a group of armed police in uniform monitored events. Observing from a similar distance, were three European volunteers working with an international peace-building NGO, who were wearing green jackets to identify them as humanitarian observers.



**Figure 17. Relatives gathering at the grove of trees before the rally.**

The local human rights and NGO workers were positioned close to the relatives, sitting with them or standing nearby speaking with each other. Although they were not involved in organising the day's activities, they had come to show their support and solidarity. The armed police and the international peace volunteers stood at a distance, demonstrating their detachment from the proceedings. They were there to observe and to provide security, representing different authorities: the armed state, one of the conflicting parties in the war; and the non-armed international networks concerned about human rights. The state was *visibly* represented in the armed police, standing at a distance; and *invisibly* present, in the plain-clothes policeman, standing much closer to the centre of proceedings. This uncannily mirrored the duality of the relatives' experiences of the state's role in disappearances: implicated in the centre of events in a way that was known locally, but officially undisclosed; and revealing itself as a distant, powerful authority.

After some time the speeches began. Although other actors were present, the leaders addressed their speeches directly to the relatives of the disappeared and the other conflict victims who had gathered. There had been growing frustration and anger amongst relatives of the disappeared that, in spite of a series of promises and assurances from political leaders, they had not received information, compensation or the opportunity to pursue justice. Their protest rally that day was a renewed effort to have their voices heard. CVC's leaders explained the developments with the Disappearances Ordinance in Kathmandu, and stated their concerns about key clauses.<sup>169</sup> An equally pressing issue for the families, which had been given less attention by CVC and human rights organisations, was the interim relief that had been promised by the Government. A few families whose relatives had been disappeared by the Maoists in the district, had received compensation payments during the time of the conflict, and a small number of families disappeared by the state had received interim relief payments after the Supreme Court ruling in 2007, but the majority of families had received nothing. Moreover, there had been huge discrepancies between the payments given to families of ordinary people who had been killed by the Maoists, and to families of state security forces and bureaucrats who had been killed by the Maoists. There had also been discrepancies between victims of the People's War and victims of other violence, as one leader explained:

The relief fund has not been equally distributed - only to those persons on the 139 list, but most of them are security forces personnel whose families already received 6 or 7 lakh.<sup>170</sup> Even for the martyrs of the Tharuhath movement, the Government immediately announced 10 lakh and also for the martyrs of the Madheshi movement and the *jan āndolan* II. That's why we are demanding our rights.

These discrepancies presented a crude reflection on bureaucratic inconsistency: people's position and connections had given them very different access to the resources of the state. Hachhethu explains: "The bureaucracy in Nepal has long existed to satisfy the demands of the power elite rather than to serve the people" (2008: 165; see also Caplan 1975). With the shift to democracy he claims that access to the state still "largely operates on the basis of personal connections, bribes or recommendations from persons in power" (ibid.). However, human rights discourse offered a way to assert claims to equal citizenship; and to challenge the inconsistencies between the public assertions of the government to support human rights and the partiality in the functioning of the bureaucracy that relatives had observed.

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<sup>169</sup> This echoed the discussion Mohan had with the micro-credit group (Chapter Six).

<sup>170</sup> This was a list of 139 people who had been killed by the Maoists in the district, and whose families had applied for compensation.

The leader continued:

We have been participating in programmes organised by other organisations, but today [...] this movement is by us and for ourselves. We are making progress with our movement, riding only our bicycles.<sup>171</sup>

CVC had not received any project funding for three months and in organising the rally, the leader was reasserting their credentials as a movement, acting independently with their own resources. He claimed that the families could no longer rely on others, but had to act for themselves in order to demand their rights from the state: “Like the Tharu *āndolan*, if we do not protest against the state our demands will not be heard.” They had to raise their voice in order to be heard, but how best to do this remained a challenge. There was broad agreement that CVC needed to move forward independently, directed neither by human rights organisations nor political parties. Nevertheless, there were diverse proposals about the strategies and tactics to be used. Whilst CVC’s leaders emphasised peaceful protest, running through the speeches of other members were themes of revenge, and threats to take up violent means if the Government would not listen. Threats of escalating dissent are integral to the tactics of protests (e.g. Burghart 1996, Tilly and Tarrow 2007). However, violent threats were problematic for a victims’ association aligned with human rights organisations.

Ram, a board member of CVC and representative of CVSJ, was the next to speak. He was a respected leader within the Tharu community locally, older than other leaders in CVC, his authority embodied in his tall, strong, physical stature. Although Ram’s roles as community leader, CVC board member and CVSJ representative placed him in potentially conflicting positions, he appeared to negotiate these with ease. As he spoke, he reminded those gathered that they were a people who had previously had to fight for justice in order to obtain access to land from the state. He suggested that if the relief money was not given immediately, they should fight again for justice, adding a threat that they could take up arms. Accounts of the Tharu community’s struggles over land included in recent decades: those of the *kamaiyā* (indentured labourers) and other landless peoples, and land occupations orchestrated by the Maoists. The Maoists had mobilised large movements for land redistribution demanding ‘land to the tiller’, involving many former *kamaiyā* and landless people. Ram drew attention to the historical discrepancy, that people who had captured land sixty years previously had not been stopped, yet those who had captured land more recently were being ordered to give

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<sup>171</sup> He was drawing a contrast to NGOs who travelled in motor vehicles.



it back.<sup>172</sup> He drew on metaphors of victimhood, and called on those gathered to raise their political awareness and “become more conscious”.

The speeches continued with an ordinary member of CVC, who came from a part of the district that had witnessed a particularly high number of disappearances. He explained why he was ready to participate in the programme of protests:

When they took our sons and daughters they said they would not do anything to them; but until now we don't have any evidence of why they have taken our sons and daughters. They took our child at 3 a.m. on Chait 29, 2058 [B.S.], at 3 a.m. at night, but until now we don't know anything about our child. Even the human rights organisations have told us, “Don't be impatient, we will file a case”. But nothing has happened. Until now we don't know why they took our son. If he did something wrong, they could have put him in jail, but they never informed us. From 25th we will do a strike (*bandh*) in our VDC.

Relatives of the disappeared were seeking answers from the state authorities and security forces that had taken away their children, husbands, siblings or parents. There was a sense in which disappearances had created a moral vacuum: state officials had given no explanation for taking their relatives and so the validity of the state's authority had come into question, providing the justification for their protest (cf. Burghart 1996). If they did not receive from the Government an appropriate and timely response to the petition that they would deliver that day, the relatives had plans for the protest programme to lead on to a series of *bandhs* or ‘shut downs’. Starting from their villages they would blockade VDC offices, and then would progress to blockade offices, businesses and transport in the district headquarters if they were not heard. They declared that they were ready to take their protests to Kathmandu if necessary.

Another man then spoke, linking their current struggle concerning their disappeared relatives, to the Tharu community's longer struggles with the state for rights to access land:

For generations we have been fighting for our rights. In 2035 [B.S.] when we captured 500 *bighas* of land from the *jamindār*, they came and took me and beat me until I was left for dead. We have been fighting from Dang to [unclear], from the road to the Parliament (*sadak dekhi sadan samma*). We have been with them [the political parties] always, shoulder to shoulder, but they have led us in circles. After democracy, first the Nepali Congress won and they played ‘fish, fish, frog’ (*māchā, māchā, byāgutā*), deluding us.<sup>173</sup> The next time, UML won from here, and for 14 days we had a sit-in protest outside Singha Durbar for land, but nothing happened. Right now the Maoists have won. From childhood, I

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<sup>172</sup> His comments referred to a long and complex history of land management by the state, which had privileged elites and those with connection to the ruling regime (see Regmi 1971; Whelpton 2005; and discussion in Chapter Three about how this related to the Tharu).

<sup>173</sup> This was a proverb which meant, to be promised one thing and finally to be given something different.

have been a *kamaiyā*. Since that time [the landlords] have been beating me. We grew up in a painful situation, so we are always ready to fight and we can bear any kind of pain. The federations and organisations make us like sheep. That's why we have to unite and fight for our rights. We are conscious, living beings. We also have a share in this land, so we have to fight for our rights. We should be ready to die or even to kill.

The struggle over land that he referred to had a much longer history both for him personally as a *kamaiyā* and for the wider Tharu community (see Chapter Three). By linking their movement to these earlier struggles, he placed their experiences of injustice as conflict victims, into this longer history of unjust treatment by the state and the local elite. Contractual relationships regarding land were one of the principal ways in which relations between the king and the people were mediated historically in Nepal, with the king in the role of an overarching landlord (Burghart 1996 [1984]: 229, Gellner 2008: 8). Regmi (1971) has outlined the history of these socio-economic relations between the ruler and his subjects in detail, and has highlighted the powerful role of the intermediaries who managed land and taxation at the district level. The rally speeches by members of CVC suggested that their understandings of the operation of state power remained deeply influenced by this history. This was why the focus on land has held so much traction for the political campaigns of the Maoists and other political movements before them (Hachhethu 2008: 160-1, Krauskopff 2008). Several accounts that families in the district had shared, had linked disappearances to specific landlords, whose families had had connections with army and state officials (see also Adhikari 2008, OHCHR 2008). In the part of the district that the speaker who was a former *kamaiyā* had come from, there had been specific accounts of collaborations between landlords and the army in disappearances. The nephew of one local landlord was referred to in several of my interviews, and is one of two people named in OHCHR's research report (2008) for being involved in a number of disappearances and other crimes against civilians, including rape and extra-judicial killing.

As the speeches ended, relatives who had been listening stood up and moved towards a pile of placards. Having been prepared for previous protests, these had been brought out again. Photographs of the faces of their disappeared relatives had been enlarged in black and white to fit an A4 page. Below each photograph was printed a question, for example, "Where is my husband?" or "Where is my child?". The name, VDC, and date of the person's disappearance had been written underneath in pen. Wives found the pictures of their husbands; mothers and fathers found images of their sons and daughters. Those who did not have placards with photographs of their relatives, collected placards printed with generic slogans:

Provide transitional justice for sustainable peace (*digo śāntiko lāgi sankramaṇ kālīn nyāyako vyavasthā gara*).

Give equal benefits, opportunities and treatment to the victims of the state and the then insurgents (*rājya tathā tātālīn bidrohī pakshabāta pīdit bhaeko, dwandwa pīditharulāi samān subidhā, avasar ra vyavahār pradān gara*).

End the culture of impunity (*danḍahīntāko sanskriti antya gara*).

Guarantee social security for the families of the victims (*pīdit parivārlāi sāmājik surakshāko pratyābhūti gara*).

Provide sustainable livelihoods for victims' families (*pīdit parivārko dīgo jīvikāko vyavasthā gara*).

Provide free education up to higher level for children from conflict victims' families (*dwandwa pīdit parivārka bālbālikālāi ucca śikshā samma ni:sulka paṭhanpāṭhanko vyavasthā gara*).

Do not forgive the accused (*doshilāi māphi dīna pāidaina*).

The formal language used in most of these slogans, drawn from the discourses of human rights and transitional justice, contrasted with the personal photographs of the disappeared. The slogans made collective rather than personal demands. They were formulated to speak on behalf of all victims of the conflict, as a political collectivity, in a language that would lend authority to their claims. Demands for transitional justice and for an end to the culture of impunity were the central demands that human rights organisations had been making to the Government. Similarly, the call to treat victims equally resonated with the rhetoric of human rights' organisations (see Chapter Five). However, their slogans were not framed exclusively on issues that human rights organisations had focused on; they also articulated claims related to social and economic rights, for example, education and the provision of livelihoods.

As relatives were picking up their placards, those who had bicycles collected them from where they were leaning against tree trunks. Some tied placards to their bicycles before following the others towards the edge of the grove of trees. Here they assembled in two long lines, women at the front and men following behind, to begin their *julus* (protest rally, lit. 'procession') (Figure 18). Two women who would lead the way were holding the corners of a large banner on which were printed three core demands:

1. Make public the situation of our relatives, who were disappeared during the armed conflict (*saśastra dwandwako krammā bepattā pārieke hāmro āphantako avasthā sārvaajanik gara*).

2. Give strong punishment to the accused and proper justice to the victims, by investigating the truth and facts of the incidents (*ghaṭanāko satya tathā chānvin garī, doshīlāi kadā sajāy ra pīditlāi uchit nyāya de*).
3. Provide proper compensation and immediate relief for victims (*pīditlāi uchit kshatipūrti ra tatkālīn rāhatko vyavasthā gara*).

These echoed the three core demands of truth, justice and reparations that had regularly been repeated by human rights organisations.



**Figure 18. Taking up positions at the start of the rally procession.**

Once everyone had assembled the march began, following a short track to the main street through the town (Figure 19). The leaders, who had arranged themselves at intervals between the two lines of marchers, began a series of protest chants: “Make public the whereabouts of disappeared citizens”; “Form a Truth and Reconciliation Commission”; “End impunity”. These summarised the points on the memorandum that they were about to submit and echoed the slogans on their placards. The chants followed a strong regular rhythm: the caller shouted a chant, and the marchers echoed the last couple of words in response, twice. Due to Nepali sentence structure, repeating the last two words involved repeating the verb, emphasising the action they were demanding. The chants created and sustained the momentum of their march, rousing and gathering together the energy and intention of the group: quite literally drawing out and uniting the protesters’ voices.



**Figure 19. Procession led by women holding a banner with the three core demands.**

The protesters turned onto the main street, passing the Maoist party office, guest houses, shops and the various roadside stalls, piled high with fruit or freshly cooked snacks. The chants continued: “Revise the Disappearance Ordinance”; “Punish the perpetrators”. I walked along the side of the road, parallel to their march, with other observers and supporters from the human rights NGOs. People in the shops stopped for a moment to watch the protest pass, before turning back to their activities. The relatives proceeded with their placards raised (Figure 20), towards the statue of Radhakrishna Tharu at the main junction. Radhakrishna Tharu had led protests against the appropriation of Tharu land in the 1940s, the historical struggle which Ram had referred to in his speech.<sup>174</sup> His statue had become one of the main sites in the town where public or political speeches were made. The protesters wound their way along the main streets towards the DAO repeating their demands: “Distribute identity cards”; “Distribute relief equally”; “Guarantee jobs for conflict victims’ families”.

<sup>174</sup> The statue erected at the *chowk* (crossroads) had been unveiled by former PM Sher Bahadur Deuba in March 2003 (Cheria et al. 2005).





**Figure 20.** The relatives proceeded along the main street with their placards raised.

### **At the DAO: Confronting the State**

As they reached the DAO, they met with police officers standing in a line blocking the gates. The protesters gathered in front of them and Min Bahadur, CVC's president, began to speak, explaining why they had come to deliver the memorandum. After a few minutes, the Vice-CDO emerged from the office. He agreed to receive the memorandum and to fax it to the Prime Minister in Kathmandu. This was accepted but was not enough for the protesters who insisted that representatives from CVC accompany him into the office to witness that it had been faxed. As Min Bahadur and another representative were ushered through the police line with the Vice-CDO, the crowd of protesters pushed forward, following them into the DAO compound (Figure 21). The police line gave way with little resistance. Those still pushing their bicycles and various observers followed calmly behind.



**Figure 21. Outside the DAO, having pushed through the police line at the gate.**



**Figure 22. Police with sticks block the entrance to the DAO.**

The police had repositioned themselves outside the door of the DAO, to prevent the protesters from entering the building (Figure 22). There were about a dozen officers, including three female officers and the DSP, several of whom held wooden batons. The relatives who had re-gathered in front of them had taken up the protest chants again. For some minutes there was a stand-off as relatives shouted angrily at the police line, waving their placards and raising their fists in the air. A man who was a former *kamaiyā*, who had described to me how his son had disappeared from a queue at an army recruitment event, demanded that the police open the door. He wanted answers from the Government about what had happened to his son. A Tharu woman then took up the verbal confrontation with the police, asserting their rights as citizens: “We are also Nepali citizens. Where do we have to go?” Questioning why they were blocked from entering the physical government premises of the DAO, echoed the larger question of why they had been prevented from accessing their rights to information about their relatives from government security forces and officials. Deepak took up a different tactic, appealing to the police officers for empathy: “You are also Nepali citizens. You cannot forget us. You should not add more pain to our pain.” The police remained silent, refusing to respond to either the appeals or the accusations.

Amongst the protesters frustration was growing and one person suggested that they should padlock the doors of the DAO; a tactic of protest that would have prevented everyone from accessing the government office, not only themselves. The suggestion was dismissed. An older woman then came to the front of the crowd, loudly lamenting the loss of her two sons. She berated the line of police officers, accusing them of having killed her sons. One of the policewomen quietly retorted that it had not been them. This was the first time I had heard any of the police officers respond, but her remark was quickly lost amongst the louder voices. To the protesters, the police line represented the inaccessible and impersonal state authority that had been responsible for taking away their relatives and was unwilling to acknowledge their pain. They had come as close as they could, to the very threshold of the DAO, but with its police guard that day it remained impenetrable. From this threshold, they shouted their anger and poured out their laments. The collective chants then resumed once more, subsuming personal utterances and demonstrating their united voice, until Min Bahadur emerged from the DAO and explained that it would take more time. He appealed to the protesters for patience, but they would not remain silent.

When they had entered the compound, most relatives had crowded around the door, however, small groups had gradually peeled away to sit and wait in the shade around the



edges of the compound. The midday sun was hot and it was not the hour to be active. Local human rights workers, some taking photographs, moved around the edge of the crowd. A man who was a known Maoist activist stood near the back wall of the compound, keeping distance between himself and his fellow CVC members. The European volunteers from the peace-building NGO also stood well back from the main crowd. After some minutes the representatives from CVC re-emerged from the DAO. Min Bahadur made a speech reporting that the memorandum had been faxed successfully to the Prime Minister, and directing the protesters to return to the grove of trees on the edge of the town.

When everyone had re-gathered, the leaders began to speak about the day's events. They explained that they had established a timetable to take their protests further if CVC did not receive a response from the Government. Min Bahadur wove his words poetically to express the relatives' emotions: "At the time when our pain should be changed into peace, we are not feeling that peace." The war had ended but they were unable to experience peace. Their pain had not been resolved, nor had they been able to mourn. Instead, they had had to struggle to secure their rights through these protests. He acknowledged the hardship relatives had experienced, both through spending time and effort protesting instead of working to support their families, and through recalling their pain publicly once again. Min Bahadur counselled the relatives that they must not rely on either the political parties or the human rights organisations to take forward their campaign:

You yourselves have to be active to get justice, because the political parties only make us [follow their] steps, and organisations are only working to get projects. We are dancing to others' songs. We have to create our own song. [...] It is very difficult to get justice from whoever comes into government. [...] The Maoists also need to bear their responsibilities in the justice process. The anger (*ākrōsh*) suppressed inside us, needs to be expressed (*abhivyakti*) in some way. [...] We support a party but whenever they reach the government they forget all of us.

He suggested that the political parties and human rights organisations were ultimately working for their own interests: those they had turned to for support had not been able to help them achieve justice, so they had to unite and work for themselves. During the discussions, plans were formulated to establish a Struggle Committee. It would have representatives from every VDC, and would take forward the protest movement if the Government did not respond to their memorandum. Deepak was selected to be the leader of their Struggle Committee, and he made the following speech, focusing again on the unjust ways in which they had been treated:

We know that we will not get our rights by begging. We have to demonstrate our power. In Surkhet, one person was killed and his family got 14 lakh rupees. When the police, army, or government employees are killed, their families get 7-10 lakh. But for a person killed whilst he was ploughing, his family gets only 1 lakh rupees. Are our daughters and sons worth only one lakh? If they give 14 lakh for one person, they must also give 14 lakh to us. They want to delude us.

[...] For many people our names have become a pot to receive money. Those who earn in our names do nothing. That's why we have to announce our protest committee and start our programme. Our voice must be united.

It was proposed that they announce the programme for their protest struggle through different newspapers and they began to discuss the different tactics they could use. If the Government did not listen to their voices, they would request international organisations to withhold aid to the Government. Other tactics discussed included: locking local government offices; holding a hunger strike in front of the DAO; and encircling and locking the local offices of political parties.

Responding specifically to the discrepancies in compensation payments, one man said with contempt and anger: "Let's kill those people [accused] and we only have to pay 1 lakh. We can pay them even from our earnings from ploughing." In a context where there had been no formal acknowledgement or recognition for those who had disappeared or been extra-judicially killed, discrepancies in state compensation payments were read personally. For some the injustice provoked the desire for revenge, stoking the latent possibility for taking justice into one's own hands, particularly in a political context where this had been recently demonstrated by the Maoists.

A former CVC leader was present that day after a long absence, following an internal conflict within the organisation. He was invited to speak. In a tone that contrasted with most of the other speeches, he suggested the need to work more slowly and to coordinate with the human rights organisations because it was going to take a long time to achieve justice:

We have to work patiently, only then will our demands be fulfilled and will we reach our goal. We whose relatives are disappeared have three rights: one, to know the truth; two, to get justice; three, reparations.

He explained that to know the truth meant to know "how and where they took our relatives, what they did and why they did it." Reparations were a response to "the social and economic damage done by the incident." Over several years, he had worked closely with human rights organisations and had attended many of workshops, training programmes and events.

Through all these experiences he was able to make judgements and assessments about their campaign: “It will take many years to get justice for disappearances. It may take 15, 20, 25 or 30 years to get justice. They will only listen if we unite our voices.” But he reassured them: “It is our right to get the relief fund.” In a guarded warning to the current leaders of CVC, and strongly countering the threats others had made proposing a more violent way forward, he declared, “Conflict victims *have* to protest peacefully and CVC’s leaders have to conduct this programme peacefully.” Through his experience of interacting with human rights workers, he had learnt how long the struggles for justice had taken in other countries, and understood the difficulties they faced in the current political context in Nepal.<sup>175</sup>

Min Bahadur, the current leader responded to his speech by echoing his call for the protest to be peaceful. He emphasised that he was handing over responsibility to the Struggle Committee, advising them: “We should not burn tyres, we should not throw stones, because we should not violate others’ human rights. We should think about these things.” CVC’s leaders were in the difficult position of having to respond to the frustrations and emotions of relatives, at the same time as guiding them towards strategies that were most likely to lead to their demands being heard. As a registered NGO, CVC was not permitted to engage in political activities. However, strategies of non-violent protest were widely used by CVC, like many rights-based NGOs in Nepal. Setting up a separate struggle committee, and identifying themselves as a social movement again rather than an NGO, was a tactic to avoid restrictions on actions that were judged to be ‘political’. Which acts are deemed political and which are not, is of course contested and open to different contextual interpretations (Spencer 2007: 6, 29). It was such contentions that led human rights organisations and, for different reasons, the Maoists, to distance themselves from the protest programme as it progressed. Human rights organisations would participate in protest rallies and would organise petitions to the Government, but they would not condone *bandhs* that shut down businesses and blocked roads, or the locking of government offices, as such actions were deemed to violate others’ human rights and to be too ‘political’. For the Maoists, it was the independent organisation of the victims’ protests that was the problem, as it challenged their ‘political space’. One woman told me that a Maoist leader had come up to them during the protests and said that there was no need for them to be protesting as the Party was managing everything for them.

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<sup>175</sup> In a later conversation, he told me that he did not fully support the plans for these independent struggle protests, because they had to maintain good relations with human rights organisations in order to receive their support to sustain their campaign for truth and justice.

Independent action by the relatives threatened the Party's authority to speak on behalf of the victims and to direct their demands to the state.

A copy of the memorandum that had been faxed to the Prime Minister, the Speaker and members of the Constituent Assembly, was given to me that evening. It gave a detailed picture of how the leadership of CVC had understood their protest and the petition began by locating their movement historically:

Various movements have been carried out at different times in order to free the people from autocratic rulers, but we have not been able to feel freedom. The armed conflict started in the country and the nation was at stake, together with unlimited damage to people and property. The Nepali people have successfully moved towards forming New Nepal, as per the people's aspirations, through the 12-point agreement, the Interim Government and Constituent Assembly elections, in order to lead the nation in the right direction. But, no concrete initiation has been made to revive justice, the most important issue for the conflict victims. The problems of the victims remain the same.

The text acknowledged that although the Interim Constitution and other agreements had referred to managing justice and compensation for the victims and ending impunity, "no results have been achieved to date"; documenting the Government's commitments and responsibilities, and its failure to act on them. It emphasised that the victims had repeatedly made the Government aware of their problems:

We have been organizing many protests and demonstrations with our demands about these issues, informing the Nepal Government about the problems of conflict victims. We want to remind the Government again to solve our problems.

The tone of the petition at this point was restrained and polite, respecting the Government's authority. The relationship the petitioners invoke with the Government is surprisingly resonant with that which Burghart's teachers invoked with the King during their protest. These teachers had attempted to alert the attention of the King to a problem within the 'body politic,' with the expectation that, after he had been made aware of the problem, it was his duty to respond (1996: 311). Similarly, the conflict victims appealed to the Government to perform its role by following through on the legal commitments it had made to them. There was an expectation that, after the victims had made the Government aware of their suffering, it should respond, and an implicit understanding that this was not only a legal but a *moral* duty. Through locating their claims historically, CVC proposed that this was a test of the legitimacy of the new state, 'New Nepal,' that had been formed "as per the people's aspirations." As with the teachers Burghart wrote of, it was ultimately a challenge to the moral legitimacy of the ruling power's authority.

The petition went on to record the different groups of people who had become victims during the conflict, and then described in detail the continuing suffering of those who had survived, renewing the appeal for action from the Government:

The heads of households who used to earn money to look after their children have been killed, tortured and disappeared, which has made us, the relatives of the victims, mentally and physically bereaved. We, the relatives of the victims, are forced to lead very difficult lives, as this has broken our families financially, socially and culturally. We have not yet seen that the Government is serious about our rights to know the whereabouts of our disappeared relatives, why they were arrested by force and where they are kept now and why. Similarly, the Government does not seem to be willing to answer satisfactorily why our relatives were killed and tortured. No-one has respected our rights as victims to know the facts and truth, so, we strongly demand from the Government that it should understand our problems, and lead the way towards seeking solutions to them as soon as possible.

The petition summarised the situation for families of the disappeared: “We are suffering the pain of losing our relatives and at the same time wandering for a long time to search for our relatives and to get justice, relief and respect.”

Specific actions that CVC had taken to raise issues with both local government officials and the national Government were also documented, and reference was made to the specific provisions within the agreements of the peace process that related to disappearances and conflict victims. It called on the Government as the new authority established by the will of the people, to perform its duty to provide for those who had suffered during the war. It echoed Maoist rhetoric in speaking of the “people’s aspirations”, but it did not utilise the Maoist rhetoric of sacrifice. Later in the petition statement, the possibility for enforced disappearances to be considered a “crime against humanity” that could “result in consequences under international law” was noted, referencing both the international agreements of the Rome Statute and the Convention on Torture. This mention of the potential for a case to be taken to the International Criminal Court signalled the possibility for appeal to another moral order, should the Government fail in its duties. In relation to the national legislation being developed on disappearances, the petition also detailed revisions they requested, and demanded that families of the disappeared be fully consulted in the further development of this legislation.

Towards the end it stated their 12-point demand:

- Make public the whereabouts of the disappeared people immediately.
- Establish the Disappearance Commission and the Truth and Reconciliation Commission immediately.

- Revise the Disappearance Bill as per international standards, include the provision of lifelong imprisonment, and bring it to debate in the parliament.
- Distribute immediate relief of Rs.10 *lākh* equally to all conflict victims' families immediately.
- Provide employment to the families of every victim, and provide a special allowance to those who became disabled during the conflict.
- Punish the perpetrators, through establishing the facts and truth.
- Immediately implement all the recommendations made in OHCHR's report about disappearances in Bardiya during the conflict.
- Immediately solve the legal problems of property distribution, citizenship etc. that family members of the victims of disappearance are encountering.
- Provide special waivers to conflict victims in transportation, health and education by declaring them as 'special' citizens and providing them with identity cards.
- Immediately rehabilitate the people displaced during the conflict and provide them with compensation for their property.
- Guarantee an end to impunity.
- Immediately implement all the agreements [of the peace process], including the Comprehensive Peace Agreement.

Many of the points resonated strongly with demands articulated in protests organised by human rights organisations in Kathmandu, but some relating to the families' economic and legal problems reflected the different perspectives and priorities of the local victims' association. Having established the basis of their claims and having put forward their demands, the petition ended with a declaration that they would be forced to take up other means if the state did not respond soon.<sup>176</sup>

The petition had switched between technical and descriptive styles, between formal and personal tones, and, in more complex ways, between passivity and agency. Emphasising vulnerability and victimhood presented the petitioners as passive in a way which highlighted the Government's duty to act, reflecting the religio-cultural values through which showing passivity could also be a form of agency (Burghart 1996: 302). In contrast, the threat at the end of the petition suggested a more anarchic kind of agency, which they would take up to challenge the Government if it did not fulfil its responsibilities. Though the different tones initially appeared to be conflicting, they wove together into a carefully constructed, measured appeal to the Government; creating the moral space from which they hoped to be heard (cf. Burghart 1996). Within the petition, the discourse of international human rights with its ideology of the authority of the law that can extend beyond the state, was drawn into these local moral idioms of demand and contestation of moral authority.

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<sup>176</sup> The petition had addressed the Government (*sarkār*) throughout until two references towards the end which addressed the state (*rājya*).

Protest as a space for collective action, and the streets as a legitimate place from which to ‘speak to the state,’ have been well established within political practice in Nepal, particularly amongst those for whom other channels have not been available (e.g. Burghart 1996, Lakier 2007: 252, Lawoti 2007: 39; and ICG 2010: 24). There have been accounts of “crowd action” influencing the course of political events in the cities of the Kathmandu valley as early as the end of the seventeenth century, particularly at moments of rivalry between the elites (Whelpton 2005: 33). Popular struggles and political movements on the streets have instigated most key political transitions in Nepal’s recent history. The mass people’s movements that brought in democracy in 1990, and restored democracy again in 2006, are the most recent examples.<sup>177</sup> Like the teachers’ protest and general strike of 1984-85, the 1990 and 2006 movements addressed the King, and when the King did not respond appropriately, they challenged the legitimacy of his rule and demanded a change in the balance of power. Mishra (2007: 27), referencing movements from the 1930s onwards, has noted: “The principal constitutive theme of all these political struggles was an end to hereditary autocracy and the promotion of popular sovereignty, democracy and the rule of law.”

Protests have continued to be prolific in the new republic, called by different interest groups at local, district, regional and national levels. These have been organised by: political parties and their affiliated organisations; broader social and political movements; workers’ unions; chambers of commerce; religious groups; ethnic groups; regional identity groups and others. After the peace accord, the Maoists vowed to continue their movement from the parliament (*sadan*) and the street (*sadak*), recognising both as legitimate spaces for political action. Both internal and external observers recognised that they were pursuing their political campaign from both ‘inside’ and ‘outside’ the official political regime. Political action on the streets has interwoven closely with politics in official spheres, for other political parties and their affiliated partner organisations too, and for other social and identity based movements. Different ethnic and identity movements have used the streets as a space from which to make demands about the shape of the new state and their official representation in it; while those in opposition to federal and secular reforms to the state, such as royalists and other Hindu nationalist groups have also protested on the streets. Other protests have reacted directly to new policies or classifications, as in the case of the Tharu *bandh* (see Chapter One). The protests of conflict victims in the aftermath of the war have occurred within this wider political arena of protest.

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<sup>177</sup> See Hoftun et al. (1999) and Adams (1998) for detailed analyses of the 1990 movement.

Writing about this arena of protest in Nepal, Lakier provides a “taxonomy of protest” suggesting that “[o]n the one hand were movements that used protest to demand emancipation – the recognition by the state of their political and social rights.” At the other end of the spectrum were groups “organized in order to defend or demand institutional privileges and economic monopolies when these conflicted with liberalising economic law” (2007: 256-7). Accordingly, she analysed the relationship between public protest and the law in relation to: the *kamaiyā* freedom campaign, the movement of Tharu bonded labourers in the late 1990s; and, in contrast to this, a transport union’s strike. She observed that for emancipatory projects, such as the *kamaiyā* movement, “Street action produced results where legal and political appeals alone could not” (Lakier 2007: 252).

Speaking in a meeting a few weeks after the protest programme was launched, one of CVC’s leaders had explained how protests were linked with political power:

We can’t give pressure just by sitting still. We have been talking to the Constituent Assembly members, but they said, “You also need to give pressure yourselves”. If I am hungry, how can they know if I do not say, “I’m hungry”? [...] I also spoke with [a local Constituent Assembly member] and he said, “If you stay silent, I cannot raise your issue.”

There was a clear message from this CPN(M) political representative that the relatives of the disappeared needed to raise their voice on the streets in order for him to be able to advocate on their behalf. However, when faced with the petitions of the relatives, this political representative had also added: “Without capturing the whole state we cannot give you anything.” The political representative’s comments raised important issues about how processes of political action and the authority of the state are understood.

Lakier presents an important argument about the relationship between protest and democracy, suggesting that “the power of corporate groups to take to the streets to make their demands known must be understood to be a power which emerges with, and not in opposition to, the process of democratisation and development that has brought Nepal to the contemporary moment” (2007: 268). However, she continues to explain, whilst in theory this created the space for any person or group of people to protest in this newly democratised arena, it “did not result in a horizontal liberal order composed of autonomous and equivalent citizens” (2007: 267). People remained very differently placed in relation to how their ‘voices’ could be heard. It is important to recognise the roles of external actors in supporting certain marginalised groups to mobilise. The *kamaiyā* movement grew through its alignment



with a local NGO, its resonance with the interests of political parties on the left, and its links with networks of international NGOs (Lakier 2007; Cheria et al. 2005; Fujikura 2001, 2003; Odegaard 1999). Similarly, this has been the case in campaigns for the disappeared and other victims in the aftermath of the war. That the relatives had come together to protest, had been significantly influenced by the political and moral spaces created by both the Maoist Party and the human rights organisations, with their different kinds of solidarity and resources (see Chapters Five and Six). As Lakier summarises, this “reveals the essentially *political* and *contingent* nature of even democratic equality” (ibid.: 268; original italics).

The sociologists Tilly and Tarrow have located protest within the arena of contentious politics and suggested that protest actions are drawn from existing “repertoires” (Tilly 2006, Tilly and Tarrow 2007). Actions within these repertoires follow particular patterns and forms, although they are not fixed. They note “the clustered, learned, yet improvisational character of people’s interactions as they make and receive each other’s claims” (2007: 16). In Nepal, protesting groups have faced the choice of following well-established rules to pursue their actions, or taking the risk of “improvising” and breaking them:

“The former means engaging with mainstream politics on its own terms, but also provides easier access to it. The latter can be used to try to bypass established networks, but at the risk of being viewed as illegitimate” (ICG 2010: 24).

The form and progression of the victims’ protests drew from the established repertoire of protest actions – including the *julus* with banners and placards; the submission of a petition; the public rally and speeches. It was broadly recognised to have followed the unwritten rules of legitimate escalation (cf. Burghart 1996). In the absence of a response to their previous petitions to the Government, they held another *julus* and submitted another memorandum of demands to the DAO. If the Government failed to respond again, they declared that they would escalate their protest to a *bandh*.

On the spectrum of political action, the legitimacy of the *bandh* remains contentious, due to the significant disruption to ordinary life for those who live in the areas affected, for those who are travelling, and for those involved with business. Nevertheless, *bandhs* have often been effective in securing a response from the Government to a protesting group’s demands (ICG 2010: 25). In the aftermath of the war, many political movements, advocating for different ethnic and regional groups to have better access to and representation in the new state, had held district and regional *bandhs*. When relatives in the district decided to progress their protests to a district *bandh*, they took this decision even though it risked jeopardising

their relationship with the local and international human rights organisations and with the Maoists. Even the leaders of CVC were absent during the days of the *bandh*, dissociating themselves from the action after a warning from the DAO that the registration of CVC could be jeopardised. However, the Struggle Committee and many of the relatives chose to continue their *bandh* irrespective of this lack of support. Burghart (1996: 314) has noted the roots of the word *bandh* in the cessation of one caste's relations of commensality with another, and his informants spoke of the escalation of the teachers' protests to a *bandh*, as the cessation of relations with the current authority: "Rulers and ruled now engaged in a battle of wills." This is the point at which the moral authority of the ruler is challenged. The victims' district *bandh* challenged the moral authority of the ruling Government, but it still sought to open dialogue rather than challenge its overall authority.

Protests often have local communicative or pragmatic functions as is observed in the common practice of spontaneous local *bandhs* following road accidents, which both express local anger and raise funds for those injured or killed. This has also been the case in *bandhs* that have occurred after political killings. In 2008, I passed through Gulariya during a *bandh* that followed the shooting of the former mayor and chair of the local civil society forum. No motor vehicles were allowed to pass through the town and businesses were closed. This local *bandh* was explained to me as a gesture of collective mourning, a mark of respect for a local community leader who had been killed, a more general condemnation of political violence, and a demand that the killing be investigated by the state. In the spring of 2009, similar justifications were given for the victims' *bandh*, which appealed to the public to give respect to relatives of those who had been killed or disappeared and support their demands for investigations. In the extent to which *bandhs* elicit sympathy and support from the wider public for their cause, and can be in part an act of mourning, we see the potential for their role in creating new kinds of solidarity and understanding.

### **Two-Day District *Bandh***

In the middle of April 2009, two days before the turn of the Nepali year, I arrived back in the district after a short trip to Kathmandu. The main street of Gulariya was full of people protesting. I scanned the crowds to see if I recognised any faces, wondering if this could be part of the conflict victims' protest programme, but I did not immediately recognise anyone. None of the protesters carried placards, but instead some had hoes slung over their shoulders. I discovered that it was a *julus* by the farmers' movement (*kisānko āndolan*). The people protesting were landless people and former *kamaiyā*. I later spoke with a man who had taken

part in the *julus* that day who was also a conflict victim. He explained that they were demanding rights to settle on a large plot of land, which had previously been the site of a large cotton development project that had been occupied for a time by *kamaiyā* families during the war (Cheria et al. 2005: 118).

Later that afternoon I met Deepak, the leader of the Struggle Committee, to inquire about the victims' protest programme. There had been no response from the Government after submitting the memorandum two weeks earlier, and so the Struggle Committee had met a few days before to agree a programme for an indefinite district *bandh*. They had publicised the timetable for their 'pressure campaign,' which had begun with a *tālchā lagāune* action, locking VDC offices across the district (Figure 23). An older woman from a comparatively wealthy family later told me that she had contributed money to buy the padlocks even though she had not participated in the protests. The district-wide *bandh* was to start the following day, shutting down businesses and blocking all the main roads, including the main national highway, to motor vehicles.



**Figure 23.** VDC door locked by the Struggle Committee.

Suresh, the human rights lawyer, had clarified his position about the *bandh* earlier that day: “We can’t support the *bandh* as we are human rights workers and it is disturbing others, but I support the conflict victims’ demands.” He had encouraged the relatives to protest through different means rather than a *bandh*. However, when they had held to their plans, he had agreed that his organisation would monitor the *bandh*, and if there was any violence against the protesters he would raise this in Kathmandu. The volunteers at the international peace-building NGO had chosen to go away for the weekend, after making it clear that they were unable to support the victims in illegal activities. In his briefing to the relatives that evening, Deepak had emphasised that they must conduct the protest with concern for other citizens.<sup>178</sup> Disruption to daily life was inevitable - in fact it was essentially the main tactic of a *bandh*. Nevertheless, they also established certain ‘ethics’ for their *bandh*: all businesses would be asked to close except for pharmacies; ambulances, school buses and police vehicles would be allowed to pass through, and also journalists, but no other motor vehicles would be allowed to use the road.

A little before seven the following morning, the conflict victims began their *bandh*. At the western end of town around a dozen people, more women than men, stood across the road (Figure 24). As a bus approached they unfurled a red banner on which was written the words: “Let the strike for victims’ justice succeed! Let it succeed! Let it succeed! Fulfil the conflict victims’ just demands!” (*pīditko nyāyako lāgi bandh saphal pārāun! saphal pārāun! saphal pārāun! dwandwa pīditko nyāyapūrṇa māg pūrā gara!*) The bus was turning into the bus station behind them at the end of its journey, so they let it through. A buffalo cart and bicycles arrived and were let through. Five minutes later a motorbike drove up from the direction of the main town. As it drew to a stop, Deepak went over to the driver and explained that they were conflict victims and were striking because they had not received the relief money. The driver accepted this without a challenge and returned in the direction he had come from. After another five minutes, a couple of policewomen standing 15 metres away whistled to them as an ambulance approached, but the protesters had already cleared the road. A few more protesters arrived and another motorbike drove up. They explained the reason for their protest and, again, this driver turned and left without a word.

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<sup>178</sup> When he spoke to me later about locking the VDC offices, he told me that he had waited for an hour at one office, until a villager had finished his work with the officials.



**Figure 24. Relatives with a banner demanding justice, block the road.**

I stood watching from the side of the road and had a brief conversation with the owner of the guest house where I stayed, which was less than fifty metres away from the protesters. I asked him if he knew about them and he replied:

Yes, they are conflict victims, I know them well. They are affected by the conflict, from both sides. They have done lots of activities before and their demands are right (*thik*). This is the first time they have done a *bandh*. Perhaps it is because their demands have not been met?

His comments confirmed that the victims had followed a well-recognised pattern in raising their demands. A few minutes later, the plain clothes policeman arrived, wearing the same green and yellow t-shirt that he had worn at the *julus*. A motorbike approached quickly and stopped in front of the women holding the banner. The driver showed a journalist's pass and was let through. Next, a well-built older man drove up with a passenger on the back. Deepak took the keys from the ignition of his bike as he came to a stop, and spoke to him for a minute before handing the keys back. The man looked cross, but said nothing and drove away in the direction he had come from. Deepak approached a group of young men who were watching the proceedings and handed them copies of the protesters' demands. The plainclothes policeman joined them. Two more motorbikes approached; one bringing another journalist, and the other, a man with an elderly woman sitting behind him, who said they were on their way to the hospital. Both motorbikes were let through. Bicycles regularly passed by, but there were few motor vehicles. The road was not busy. It appeared that many people had heard the *bandh* announced on the radio and had already decided not to travel. A

little later, a young man and his mother drove up on a motorbike. The young man complained that every other day was a *bandh* and he had exams coming up. The mother said they were on the way to visit someone who had died and they were let through, although some of the relatives doubted her story. Someone rolled a tyre into the middle of the road, to make it a little more obvious that the road was blocked. Looking at the small group of relatives who stood across the quiet road, it seemed unlikely that the protest would escalate. There had been little anger expressed by the people they were stopping. The roads were quiet in the district headquarters in comparison to the national highway that ran across the north of the district where other relatives had gathered.

The *bandh* had been in place for over an hour. Everything remained quiet, so I walked to the other side of town to a busier crossroad where other relatives had arranged to gather. When I arrived a little after 8 o'clock, only five women were there. They had no banner and had not attempted to block the road, but were walking out into the road whenever a vehicle approached. Sunita was there and she explained that they had been having difficulties. The women managed to stop some of the vehicles that came, but they struggled to convince others. A man on a motorbike arrived and challenged them, saying that he was also a conflict victim as he had been displaced during the war. He said that conflict victims should all press for compensation together, but his remarks offered no empathy or solidarity and he did not offer to join their protest. Instead his counter claim illustrated the politics of victimhood: by identifying as a conflict victim himself but by refusing to identify with their protest, he attempted to undermine and challenge its legitimacy. Displacement was a category that some landlords' families were claiming. Families I spoke with, whose relatives had been disappeared or killed, spoke angrily about the landlords' claims to victimhood. Displacement for the landlords had meant they had no longer had access to their rural properties in which they lived for only part of the year, whilst their access to their residences in the nearby town or in Kathmandu had not been disturbed. Their situation was very different from those who were displaced and had become homeless.<sup>179</sup>

The relatively quiet roads aided the small number of women as they enforced, semi-successfully, the *bandh*. There were many businesses around the junction and whilst most had remained closed, a small number had begun to open and the women had had difficulties convincing them to close. At 9 o'clock another half-dozen relatives arrived on bicycles from

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<sup>179</sup> In national debates, victimhood became contested between opposing political parties; with the right to information about the disappeared being set against the return of land and property.

the neighbouring VDC and added strength to the small group of women. One man found a rope which they stretched out between five women on one side of the road and four men on the other. The rope was not immediately visible from a distance and the small number of people behind it did not make for a very formidable road block. There was a brief eruption of laughter, when the protesters attention had been turned away and a man on a bicycle rode into the rope having not seen it! Some motorbikes had also slipped around the edges when the relatives were looking in another direction. Nevertheless, the increase in numbers of protesters and the rope across the road, to which a shawl was later attached in lieu of a banner, helped to make it a more visible blockade.

Bolstered by the extra support, three of the women went to ask the businesses that had opened at the junction to close their shops. It took some time, but most of the shutters gradually came down. At one hairdresser's shop, they were having difficulty. A man, whom I did not recognise, walked over and began to help them. The hairdresser was angry and challenged them, "Was it we who killed your people?" The man helped to persuade the hairdresser to support them. Eventually the hairdresser had closed his shop. The man who had helped them was a local man who had been working with the Tharu NGO BASE in another district.<sup>180</sup> He had heard about the conflict victims' strike on the radio and said that he had come to give them moral support. The protesters were now stopping most of the motorbikes and persuading them to turn back, or to leave their motorbikes and to walk or travel by rickshaw the short distance into the town centre (Figure 25). The man who had come to lend his support stayed for some time, his presence offering further legitimacy to the protest.

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<sup>180</sup> Later I learned that he was also one of the leaders of the Tharuhat movement.





**Figure 25. Three relatives (right) stopping motorbikes and persuading them to turn back.**

In the middle of the day, the two groups of protesters at either side of the town came together for a *julus* along the main streets of the town. They took a longer route than on the day when the memorandum had been submitted. They did not have placards, as they had been unable to access CVC's office where these were kept. They did, however, take up protest chants: "Where are our people?", "Punish the accused", "Make our movement successful." They stopped for some time outside the land registration office, on one of the quieter streets, which was busy with people conducting business. The rhythm of the protest chants lent possibilities for improvisation, and outside the office they began to chant accusations at the people inside for defying the *bandh*. After some time the gates swung closed, although people did continue to slip in and out.

The marchers moved on, passing the DAO where the gates were closed and arriving at the main crossroads by the Radhakrishna Tharu statue (Figure 26). Here Deepak made a long speech, addressing the public, particularly those whose businesses surrounded the junction. He explained:

We submitted our memorandum through the CDO's office [...], but the Government has not listened to us. Our relatives, who were walking along the street, who were working in the fields, and our children who were studying at school, they were made to disappear. On 2063 BS Mangsir 5 [21 November 2006], when the peace agreement was made it promised that a Disappearance Commission would be formed within three months, but instead of three months, after three years the Government is yet to fulfil its promise! [...] Therefore, our business people who are suffering from this strike, we hope that you will help us to make this strike successful. Putting your hand on your chest, how would you feel if your



sons or daughters were disappeared or were killed? [...] The sisters and brothers, mothers and fathers who are sitting in the road, how did they feel when their relatives were disappeared from their homes? How did they feel when their children have asked: 'Where is our father?' 'Where is our mother?' [...] We don't come to you to fight, we don't come with sticks, but we appeal to you to support us. We ourselves are weak, we ourselves are helpless. [...] We had hope in the Government, but the Government became arrogant. The Government has not fulfilled any of our demands. [...] Therefore, we have been compelled to come to the streets. [...] We locked-up offices [in the VDCs] from 27th. If the Government wanted, they could have sat for negotiations with us and we could have called off the *bandh*, but they did not do that. Therefore, we were compelled to continue with the *bandh*.

His detailed explanation for the *bandh* showed that they had followed due process in their attempts to gain the attention of the Government. It was the failed promises of the Government, and the Government's continued refusal to listen to their demands that he argued justified their *bandh*. He appealed to the business owners to support the *bandh* and close their businesses in solidarity, and as a mark of respect for those who had died or been disappeared:

I hope all of you will close in remembrance of all those who were killed, disappeared and made disabled. [...] We hope you will close for justice. [...] Tell us, are our demands just or not? If you think our demands are not just, tell us to call off the *bandh*. But before that think of your sons.

He reiterated the core concern of the families of the disappeared:

The state and the rebels both have to tell us if they have already killed our people. They have to show us where they buried them. Then families will be able to complete the death rituals.[...] You are all someone's brother, sister, mother, son or father so help us to fulfil our demands.

He appealed for empathy for those in their community who had not been allowed to mourn, because they neither had a body nor confirmed details of a relative's death. After Deepak concluded his speech, the protesters marched back and started a *dharnā* in front of the DAO. Police officers with guns stood outside the gates, whilst the relatives sat on the road in front of them, at times chanting, at other times waiting silently. They stayed until late afternoon.



**Figure 26. Relatives stop at the Radhakrishna Tharu statue, where Deepak gives his speech.**

At the end of the day, the relatives came together for a debriefing meeting. Deepak phoned the groups who had been protesting in other parts of the district. A group of fifty to sixty relatives had met in the north of the district and blocked the national highway, where traffic had been much busier and more travellers were attempting to pass through from other districts. The protesters reported that they had placed large stones on the road so that traffic could not pass. There had been a dispute with the local chamber of commerce secretary about why they were shutting businesses. Kamala, who had been at this blockade, later spoke about her experiences that day. She estimated that there had been 300 vehicles that had queued on either side of the road block. At the beginning of the day the protesters had been mainly women and older men, and because of this she said it had been easier for them to be intimidated: none of the leaders, who could have negotiated more strongly, were there. There had been a lack of coordination with the Struggle Committee leadership and so they had not had a banner or any printed information about the *bandh* to give to the public.<sup>181</sup> Later in the day some college students had come to support them, which had given them greater strength. At one point police officers had tried to push the protesters back with batons. However, in spite of these hindrances, they had been successful in stopping most of the traffic that had attempted to travel through the district that day.

<sup>181</sup> Ironically, the only group with a banner and information sheets had been positioned at the quietest of all the road blocks in the district headquarters.

A smaller group of protesters had blocked the main road to Nepalganj in the eastern part of the district. They had decided to stay in their position overnight and sleep and cook by the road. Janaki, who had been with this group, later told me how they had managed arrangements. They had asked for wood for cooking from the local community forestry group, had requested to borrow plates from a road side restaurant, and from their homes they had brought rice to cook and blankets to sleep on. Even though they had been a small group and some people had criticised them, she said that they had stopped a lot of cars. There had been one tense encounter when a car carrying Indian police officers from across the nearby border had refused to respect the *bandh*. Other than this, they had had few problems. Gathering together his own reports from the protesters in different parts of the district, Deepak concluded that the day had been successful and they prepared a press release to announce that the *bandh* would continue.

The following morning, the protesters in the district headquarters gathered again at the two sites. Twenty other relatives from the far side of the district had arrived to join them. They had found the banner from the protest two weeks ago and had set a line of bicycles across the road to make for a more visible road block (Figure 27). A few hours into the *bandh* that morning, a vehicle from a UN agency had arrived, having travelled from the neighbouring district. I watched two Tharu men from the group approach the vehicle and speak up to the driver in the window. This was the largest vehicle that had arrived at the protesters' blockade over the course of the *bandh*. After listening to the men, the driver accepted their strike and returned in the direction from which he had come. A senior policeman was standing outside the police station nearby. I spoke with him briefly about the protests and he gave me the following explanation: "They are always victims. They are asking for land and relief, but our Government is poor and cannot give it." His tone was not unsympathetic and he agreed that protests were the only way that the relatives had a chance of being heard. However, his statement, "They are always victims.", expressed the traditional fatalism which accepted the differentiated positions of different groups of people in society (see Bista 1991: 63). It was interesting that he too linked protests for land with protests for relief.<sup>182</sup>

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<sup>182</sup> His assessment that the Government was "poor" was not justified in relation to the conflict victims, as large sums of aid money had been channelled into Nepal as part of the peace process.



**Figure 27. Relatives block the road with bicycles on the second day of the district *bandh*.**

Later that morning, the CDO called a meeting with representatives from the Struggle Committee, inviting the leaders of CVC and the DSP, with Suresh and another human rights worker in the district as facilitators. Deepak later told me that in this meeting the CDO had agreed to arrange a dialogue meeting for the victims with representatives of the Ministry of Peace within 15 days, through the local Constituent Assembly members. In response to this, the Struggle Committee had agreed to call off the strike. In the final written agreement it stated that he would “make the environment required for dialogue in coordination with the local political parties”.<sup>183</sup> A few days later, I met with Suresh who told me that the meeting had been a significant step because it was the first time that the CDO and DSP had expressed any acknowledgement of the victims’ pain and had recognised that incidents of disappearance and killing had actually happened. In previous meetings, the state officials had gone no further than admitting that disappearances and killings ‘may’ have occurred. However, along with this recognition came a distancing of responsibility. The police representative claimed that they were not responsible because the army had been in charge when these incidents had happened. The frequency with which bureaucrats are transferred also meant that the civil servants were not the same people as those who had been in these positions during the war. Although those present witnessed what was said, the officials did

<sup>183</sup> In the minute of the agreement between the protesters and the CDO, all the victims were recorded as CVC members rather than members of the Struggle Committee, indicating that the administration were placing responsibility on the registered organisation, even though the leadership had distanced themselves from the *bandh*.

not agree to this acknowledgement being included in the written minute of the meeting. After the meeting, Deepak had come out of the DAO to relay the findings to the relatives who were still protesting on the road outside. As he and the others were folding up the banner to leave, the DSP came over and cordially offered his good wishes.<sup>184</sup>

## Conclusion

That such a relatively small group of relatives were successful in closing the district was only possible because the *bandh* was performed to a familiar script in the local repertoire of protests. Some vehicles had crept through, some shops had re-opened, but the effect of the *bandh* had been substantial. It had prompted the CDO to gain commitment from community and political leaders to make the district a '*bandh* free zone', which was announced in the local media.<sup>185</sup> The relatives had succeeded in obtaining a meeting with the CDO and getting his agreement to help organise a meeting between representatives of the relatives and central government officials. These were clear indications that their voice was beginning to be heard by the state. When the distribution of relief money for relatives of those disappeared by the state arrived in the district a few weeks later (see Chapter Eight), the relatives interpreted this as being, at least in part, due to their protest programme. This success was part of the reason why plans to take forward their struggle were not actively pursued when the promised meetings between the victims and the political representatives in Kathmandu were not set up. The prolonged Tharuhat *bandh* had stalled plans initially, and then Prachanda's dispute with the Army Chief and his resignation had thrown the national Government into crisis a few weeks later.

The performative aspects of the protests created space for the relatives involved to communicate and express emotions with state officials or the public in ways they could not in other interactions. There were a series of moments of power reversals: wives held up photographs of their missing husbands and shouted at officials, demanding to know where their relatives had been taken; mothers poured out their laments in front of the police; farmers stopped a UN vehicle and businessmen on motorcycles, and persuaded them to turn around. Protest chants had focused the energy of their emotions, but the strength of their

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<sup>184</sup> How far my presence and that of a European photographer who had come to observe the victims' protests may have influenced such interactions with the protesters, is not possible to confirm. However, it seems highly likely that the sustained international attention of many observers on the victims in the district is likely to have had some influence.

<sup>185</sup> However, this was not to last long as the Tharuhat movement, with a much larger constituency of supporters, was about to close the district and neighbouring districts, not for days but for weeks.

emotions could not be fully contained and broke out at the unscripted edges in ways that could not be controlled by the protest leaders: in breaking through the gates at the DAO; in the spontaneous accusations as relatives faced the police line at the door of the DAO; and in their outpouring of personal grief and pain. Some of the women involved commented later that they had felt relief after having been able to express their emotions in these ways.

The protests became a space wherein the identities of the disappeared could be reclaimed: relatives quite literally brought themselves and the images of their disappeared ones into the public arena, making visible those who had been made to disappear. Through this they opened a space for the identities of the disappeared to re-emerge: the conspicuous presence of relatives made visible the absence of the disappeared (Crossland 2002: 120). Making the disappeared visible through such protest actions, challenged the official silence of the state. Significantly, the protests provided a space in which each relative's *particular* loss could be expressed visibly in their placards and in their laments, whilst simultaneously they found solidarity and a shared voice with others who had had similar experiences. Their collective voice, although influenced by other rhetorics, was not focused towards any political agenda: they spoke for themselves, declaring their pain and justifying their demands. Expressions of personal loss and hope were intermingled in their demands for truth about their relatives' whereabouts and fate. The placards they carried with the photographs of their disappeared relatives were held up in the hope that they might be identified, just as photographs had earlier been given out to those who promised to help them search; and at the same time these photographs were already memorials, images frozen in the past (see Barthes 1993). In this way the identities of the disappeared were brought into public spaces to be recognised and claimed back from the dehumanising clutches of disappearance through which they had been made absent; their photographs and their relatives' witness chronicling their lives in a way that challenged the official silencing of their histories. The photograph had become a powerful witness, highlighting particular persons, and testifying to their existence (Barthes 1993: 79, 82). Writing about protests amongst relatives of the disappeared in Sri Lanka and in Argentina, scholars have described how relatives came to symbolically embody the disappeared in public spaces, in some instances literally wearing images of the disappeared on their bodies (de Alwis 2009, Schirmer 1989, Schirmer 1994).

The relatives had framed their demands within a particular understanding of their relationship to the state. They were not only demanding rights as equal citizens but, more specifically, they made claims as citizens of 'New Nepal', expecting the newly established



Government to listen to their voice. They projected their expectations about the new state and presented an opportunity for it to respond and perform accordingly. However, if democracy in Nepal continues to be an arena where all citizens can contest their claims but not where all automatically have access to equal rights from the state, as Lakier (2007) has suggested, and if hierarchical relations continue to influence the way state institutions function, then attention to the “conditions of listening” continues to be of utmost importance. Burghart’s definition of listening proposes what it might mean for relatives to feel that they have been heard by the state: “By listening, I mean an act that acknowledges and in some measure transforms the speaker” (1996: 300). The families are ultimately seeking this kind of transformational recognition and acknowledgement from the new state, both for themselves as citizens and for each disappeared relative whose personhood has been denied.

## Chapter 8. State Relief Distribution: Documentary Trails and the Bureaucratisation of Loss

Behind, or rather in the neighbourhood of, the official rationality and the rule of law to which the modern state is officially committed, lies the secret life of the state (Das and Kleinman 2000:6).

A few weeks after the protests, many relatives had returned to the DAO to process the paperwork for 'interim relief'. On this occasion they had stepped across the threshold entering into a maze of offices and had had to find their way through the bureaucratic process. Relatives had first searched at army barracks and police stations and more recently turned attention towards other institutions of the state, petitioning both local and national government offices and also the Prime Minister. However, thus far in the thesis the state has remained on the edge of the ethnographic frame. This chapter turns to focus directly on the state administration, observing the distribution of interim relief payments to relatives of the disappeared inside the DAO in Bardiya. I accompanied relatives on their journeys through the offices of the DAO, tracing the documentary trails of the process and observing the interactions between relatives and local government officials. Documents were at the centre of these interactions, and I explore both how they mediated relationships between the relatives and the state functionaries and what they reveal about the wider politics of the process. I consider the way in which the state was performed in this local government office during the processing of relief payments, and the brokering roles played by other actors, in particular the Maoists.

In an interview three months earlier, I had asked one of the officials in the DAO about the relief distribution process, hoping to find out how the applications would be authorised and when the relief money would come. His responses had been far from clear: just as I thought I had understood and asked a question to clarify, the official's answer seemed to present the process in a totally different way. What made this more puzzling was that his tone asserted rationality, commanding an authority which suggested his response was logical and clear. Afterwards, I had asked Bijay and Mohan, whether they had understood the process more clearly, concerned that it might have been a linguistic failure of comprehension on my part that had made the experience so baffling, but they too had come away from the meeting unclear on several points. Reflecting on this immediately afterwards, I wondered whether the official had *intended* to keep the process opaque. However, in retrospect, his unclear descriptions of a fragmented process were more accurate to how the relief distribution



process had unfolded than perhaps any of us had imagined. There had been political contestation at both local and national levels; the original official procedure had been circumvented and a new official procedure established in its place; and unofficial actors had at times challenged and at others times complemented the work of officials.

During the war, the DAO had distributed compensation payments to some relatives of those who had been killed by the Maoists. These were, primarily, relatives of members of the state security forces who had been killed, but included a small number of relatives of local government officials and other civilians killed by the Maoists. Payments had ranged from Rs. 75,000 to Rs. 750,000 and were higher for those in the security forces than for others, but otherwise had been made on an apparently *ad hoc* basis. I knew two women, one of whom had received twice as much compensation as the other, although both their husbands were civilians and had been abducted by the Maoists on the same day. During its tenure, the Interim Government had then distributed a more systematic round of payments of one *lakh* to 139 relatives, including those who had already received the payments described above and an additional ten families whose relatives were killed by the Maoists.<sup>186</sup> In June 2007, the Supreme Court ordered that ‘interim relief’ payments of one lakh rupees be paid to *all* families of the disappeared. By designating these payments as ‘interim relief’, the Court distinguished them from more comprehensive compensation and reparation arrangements that would fall under future transitional justice processes. These relief payments had been given to those whose cases were included in this judgement, which was only five families in Bardiya. The vast majority were awaiting the promised wider distribution process, uncertain what the outcome would be.

Meanwhile, both nationally and in the district, human rights organisations had been conducting workshops with conflict victims on transitional justice and the meaning of reparations. They had focused on raising awareness about victims’ rights under international law; discussing ‘symbolic’ compensation as well as economic compensation; and explaining how reparations had been managed in other countries. All of these discussions were orientated to the future and towards what the state *should* be doing. The vision was to keep the state accountable to the victims and compel the state to address their rights. Significant steps had been taken in relation to the development of transitional justice law (see Chapter One). There was, however, a disconnect with the relief distribution process that was

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<sup>186</sup> This list contained names of another four people registered as being killed by the state, but none of their families received payments.

underway in the bureaucracy. It was difficult for any organisation working with conflict victims to be against the process, even where they had reservations. They had to respond carefully because, from the relatives' perspectives, the human rights organisations had not yet managed to 'deliver' what they had promised. They dealt with this disparity and the potential problem of widespread payments proceeding before issues of truth and justice had been addressed, by insisting that these payments were '*interim*' relief (*tatkālīn rāhat*), distinguishing them from full reparations or compensation. However, during the relief distribution process the terms *rāhat* (relief) and *kchatipūrti* (compensation) were both used in general conversation, without awareness of the legal or technical distinctions. Furthermore, irrespective of designation, this consisted of a monetary payment that was not dissimilar to monetary compensation that could be a regular part of formal and informal justice processes in the district. The concluding section of this chapter examines how relief payments were interpreted by the relatives when they finally received them, and what meanings were recognised and refused in these transactions with the state.

### **Arrival of Relief Payments in Bardiya**

It was the eighth day of the Tharuhat Joint Struggle Committee's *bandh*, in April 2009. Work was continuing behind closed doors at Suresh's office and we had met that morning to discuss the news about the state relief programme. State provision of compensation to victims of the conflict had been debated amongst members of CVC, and interim relief payments had featured prominently in the protest speeches and demands the previous month (see Chapter Seven). On more than one occasion, there had been public announcements on the local radio inviting conflict victims to submit application forms for relief payments and many had now done this. Each application had required various supporting documents and passport photographs. Many relatives had not had all the necessary paperwork on their first visit and so had had to make repeated journeys. Nevertheless, the promised relief money had not yet materialised in the district.

Suresh told me that he had been asked by the CDO to sit on the local verification committee which was still processing the applications. He explained that the process had become politicised with representatives from the different parties taking time to come to agreement. He was uncertain when this process would be completed and when the relief money would be distributed. Amongst the government officials and NGO staff I had spoken with in the district, there was a common understanding that relief money for relatives of the disappeared would only arrive *after* relief money for relatives of those who had been killed,

and this was still to appear. Some human rights workers both in Bardiya and in Kathmandu were suspicious that, knowing the economic needs of the relatives, this was part of a strategy to persuade relatives to register their loved ones as having been killed rather than having been disappeared. They feared that this would undermine the possibilities for relatives to obtain justice in the future and compromise their rights to find out the truth about their disappeared relatives.

Walking back along the road after meeting with Suresh, I met a man whose daughter had been one of several girls disappeared by state security forces from VDCs that were close to a large army camp on the edge of the national park in the west of the district. I was surprised to hear from him that he and others from his VDC had been called to the district headquarters by a local Maoist activist, who had told them that the relief money had arrived. He told me that many relatives had been gathering at the CPN(M) office since earlier that morning. Following the conversation I had just had with Suresh, my immediate response was scepticism. As I listened to this man's news, I feared that the relatives had been called for another futile round of bureaucratic paperwork and chasing of forms. However, I was intrigued to find out what was happening and made my way over to CPN(M)'s party office.

Kumari, Vishnu, Mira, Laxmi, her sister-in-law and mother-in-law and some other women from their VDC had gathered outside the building whose upper floors housed CPN(M)'s district office. They too had been told by local Maoist activists that the relief money had arrived and they should come to collect new application forms from the party office. As we were speaking, I observed people coming out of the building behind us with various papers in their hands and then ducking under the half open shutter of the photocopy shop that was still officially 'closed'. There was clearly something happening. Stepping over a sleeping dog, I followed Kumari and Vishnu into the building, passing through a dark corridor to an open staircase at the back. As we came to the second floor, we were greeted by the word '*swāgatam*' (welcome) painted in large letters on the staircase wall. I followed as the women joined the flow of people entering the party office. We made our way onto a balcony corridor towards a room with a sign stating, People's Law Advisor Advocate's Office (*janakānūnī sallāhkār adhibhaktā*). The small room was a hub of activity, filled with more than twenty people, who were surrounding the party lawyer and his assistant. They were being instructed to detach an old version of the application form from their supporting documents and to attach a new version.

On a wooden bench in one corner sat a local party activist, whom the women I was with knew from their VDC. He had already made photocopies of the new application form to distribute to all the relatives from the VDC and was carefully helping them to arrange their papers. Once the forms were in order, each relative had to take these to the party lawyer's desk where he re-checked the details and directed the relatives to attach a certain number of photographs. A small idiosyncrasy of the different funding streams meant that a different number of photographs was required, depending on whether the application was for a relative who had disappeared or a relative who had been killed. The relief payments to families of the disappeared was funded by the Government through the donor-supported Nepal Peace Trust Fund. Funding for the martyrs' families was part of a multi-million dollar World Bank grant that also funded the stipends for Maoist cadres in the cantonments. This small discrepancy was a reminder that the process being brokered in this local CPN(M) office was integrally connected to decisions made by international donors in faraway offices, decisions about how to manage the aftermath of Nepal's conflict and who should be considered 'victims'. As I watched the activity in the room, I began to reassess my earlier doubts. The preparation of application forms was being meticulously managed: through its network of party workers, the Maoists had called the relatives in and were supporting them with the logistics of filling out the new forms and collating the required paperwork.<sup>187</sup>

Once the preparation of their application forms had been completed and checked by the party lawyers, I proceeded with Kumari and some of the other women to the DAO, curious to see what would happen next. Groups of other relatives were already there, waiting on the office steps and in patches of shade in the forecourt. In the entrance hall, we met others who were sitting quietly or lying down to rest, while a steady stream of people meandered around them. That day, I moved with Kumari and other women from her VDC, tracing their steps around the DAO, as puzzled and unknowing as they were about what would happen and how long the processing would take. We discovered what was done with the papers in each room and where the obstacles were likely to come. Over the following days, I accompanied several other groups of relatives through the maze of offices, becoming increasingly familiar with the steps of the bureaucratic process.

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<sup>187</sup> Some relatives had gone to the local human rights office as well as, or in a small number of cases instead of, the party office, but the majority had come in groups from their VDCs directly to the party office.

On arrival in the DAO people were meant to register in Room Ten, a small room near the entrance. It was quite easy to miss this room and instead follow the flow of people climbing a sweeping staircase that dominated the entrance hall. Upstairs in Room Seven was where the main processing of applications was done. After waiting to be seen by the first official in this room, the relatives would learn that they needed to collect the Vice-CDO's signature on their papers and be sent downstairs again to his office. Only when they had obtained this signature, would the officials in Room Seven begin to process each application. These officials sat behind a large double desk while a fan slowly whirled on the ceiling above, bringing the faintest of breezes into the heavy air. The first official, Yadavji, took the application papers, checked through each in detail and, if anything was missing, sent the person away with instructions of what to bring back. If all the papers were in order, then he would methodically check a master list to see if the disappeared person's name was recorded there. This master list was a new list which had been sent by the Ministry for Peace and Reconstruction in Kathmandu and contained the names of 211 people, all of whom had been disappeared in the district by the state. The checking could take time; some names were out of order, some had discrepancies and others had been omitted completely from the new master list. In cases where the name on the list was spelt differently from that on the application form, Yadavji sent the relative away to obtain a verification letter from the VDC office. If the disappeared person's name was not on the current master list, other name lists were pulled out and consulted, before he would declare whether the person's name had been found or not. Some applicants discovered that the names of their relatives were on the list of those who had been killed rather than the list of those who had been disappeared, in which case Yadavji told them that they would be notified to collect their relief payments at a later date. Other names had been missed off the new list, but were recorded in the district records as having already been the subject of an application; in which case he informed these applicants that their disappeared relatives' names would have to be re-confirmed by officials in Kathmandu before they could receive the relief payment, so there would be some delay.

If the disappeared person's name was indeed found, the progression to the next stage of the bureaucratic process marked the first acknowledgement by a representative of the state, of that particular relative's disappearance. Yet this implicit acknowledgement was so deeply embedded within the mundane performance of administrative procedures that it was muffled and obscured, passing without comment as they moved on. Details about the relative who

was claiming relief were entered in duplicate registers.<sup>188</sup> This was usually done by Yadavji but, if the office was busy and someone from the local NGO or CVC was present, he often directed that person to enter the required information. Once the written details were completed, each relative was asked to paste glue on the back of each photograph before passing it back to Yadavji who stuck it in the register. Each relative was then instructed to write his or her signature, or more often to make a thumb print, in the final columns of both registers, authorising the details that had been completed.<sup>189</sup> The relatives were then directed along the desk to the second official who took them through this whole procedure again in order to fill out the same details in a huge ledger that would remain in the district records. If either official was temporarily absent, the whole application process came to a standstill. Neither would take on any part of the other's role, even though their roles were so similar! As a result the office would quickly fill with waiting people. The demarcation of roles between government bureaucrats in Nepal and their reluctance to take action beyond their precise responsibilities have been observed and discussed in detail by Justice (1986) in her ethnography of bureaucrats in the Health Ministry (see also Bista, 1991: 110). For the relatives interacting with the officials in the DAO, the refusal of one official to fill out details in the other's registers, was also part of a performance of their authority. The delays that ensued, and the obstacles that were incurred when they did not have the correct paperwork, shaped relatives' experiences of the state.

Periodically, the ledgers had to be carried downstairs to be signed by the Administrative Officer, Dhitalji in Room Thirteen. Sometimes a relative would carry these, but if a party activist or someone from CVC was with the relatives, that person would usually take this role. If the Dhitalji was present, this step could be completed relatively quickly. Otherwise, it could involve a long wait until he returned, and dealt first with other people who were waiting to meet with him. Once signed, the ledgers were returned to Room Seven and the relatives were directed to proceed to Room Four, the Finance Office, where the final processing of each claim was made. If they had reached this far in the process within one day, it was usually late in the afternoon, and it was here that the day's work would stop.

The Finance Office was smaller than Room Seven. There was a continuous ebb and flow as the relatives would stream in to surround the officers at their desks and fill all the available

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<sup>188</sup> I was told that these would be returned to the Ministry of Peace and Reconstruction and the Ministry of Finance in Kathmandu.

<sup>189</sup> The officials assumed that the relatives could not sign their names, so even those who could were usually directed to make thumbprints rather than write their signatures.

space until, with some annoyance, one of the officials would order them out. It was not long, however, before the relatives would trickle back in to see if their forms had been processed, intermingling with the next group of newly arrived claimants. When it came to each relative's turn, the Senior Finance Officer would take his or her papers and do a final check to ensure that all was in order. Most importantly, he would ask questions to confirm that the person who had completed the application was indeed the *hakkwālā*, the authorised person (lit. 'one with entitlement'), according to the official guidelines from the Ministry of Peace and Reconstruction.<sup>190</sup> If the disappeared person had been unmarried, the *hakkwālā* was one of the parents. If the disappeared person had been married, the *hakkwālā* was the spouse; however, if the spouse had re-married, the entitlement passed to the eldest child.

Problems arose if the person designated as the *hakkwālā* had no official documentation. This was not uncommon amongst the Tharu women who were illiterate and had had little or no prior engagement with state institutions. Laxmi, who was introduced in Chapter Four, had been left with no documents after her husband's disappearance. The army had taken her husband's identity card when they had taken him away and, because their marriage had never been legally registered, she had no proof of her relationship with him. She herself had never previously had reason to register for citizenship. Applying for citizenship and getting documentary proof of her marriage relationship required the cooperation of her husband's relatives. She had obtained the necessary letter from the local VDC office for her citizenship application, but no-one in her *ghar* would accompany her to the DAO to provide witness to her identity. Laxmi's mother-in-law, who had recently been widowed, had refused to help and had made threats when Laxmi tried to ask others. Shortly after Laxmi's husband had disappeared, his younger brother had also disappeared. Both households were poor and had lost a significant contribution to their resources when these two brothers had disappeared. Rumours had been circulating in the local community that Laxmi's mother-in-law hoped to access the relief payments for both sons, if Laxmi was not able to make a claim. One day during the distribution process, Laxmi and her mother-in-law were in the DAO together. Suresh took the opportunity to intervene, escorting them to the office that dealt with citizenship registration. Under pressure, her mother-in-law reluctantly signed Laxmi's citizenship card; as she put her thumb-prints on the card she complained to Suresh that she would hold him responsible if her daughter-in-law gave her any trouble. In this case, the resolution of Laxmi's citizenship was supported by the other relatives from their community.

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<sup>190</sup> In spite of these multiple checks, there were still some inconsistencies in more complex cases, which will be discussed below.

Other cases were more complicated, for example, the dispute between the natal family of a young woman who had disappeared and the *ghar* that she had married into just one month before her disappearance. In such cases, officials were called upon to arbitrate each side's moral claims to entitlement.

According to the official guidelines, if a woman re-married she was no longer eligible to receive economic assistance from the state. Losing entitlement to relief and her status of victimhood (see Chapter Four) linked closely to how relatedness and kinship processes were understood, and how these shifted on a woman's re-marriage, especially if this occurred outside of her *ghar*. The guidelines on entitlement to relief appeared to be interpreted in relation to ideas about inheritance, but this sometimes created complications. The Senior Finance Officer had, in accordance with the guidelines, insisted that cheques for relief payments be made out in the name of the child whose parent had disappeared, rather than a grandparent who was looking after that child. In practice, this prevented that family from accessing the money until the child turned sixteen, because the cheque needed to be processed through a bank account which could only legally be accessed when the child became adult. I heard one grandmother, who had worked all her life for a landlord's family and had struggled to maintain her own family, joke wryly that she might be dead by the time her grandson reached this age. She was one of four grandmothers from the same VDC who had been caring for their grandchildren, because their daughters-in-law had either died or remarried. In one case, the Senior Finance Officer had in error written the relief cheque to the grandmother rather than the grandchild, which meant that this household was able to access the relief money immediately. This had created debate amongst party activists and NGO workers about how such cases should be handled, and whether they should advocate with the CDO to allow all the grandparents to access some of the relief money immediately, to help them in raising their grandchildren. Although these households were some of the poorest, NGO workers and party activities were afraid that the money would be 'squandered' on the wider family if given immediately, leaving nothing for the child whose rightful entitlement it was.

Several debates about the rights of different family members, and their respective moral claims on the relief money, were initiated by the relief distribution process. I was told about cases in which Maoists had pressurised the *hak wala* to divide the relief payment in a proscribed way between other members of the family, imposing their moral authority on those family matters. One woman was made to divide her relief payment with her grown up



children.<sup>191</sup> Official and unofficial interjections mediated the course of the official guidelines on relief payments. Within some families, disputes about the payments lingered and continued to disturb family relations, becoming another way in which family life has been unsettled by disappearances (see Chapter Four). Bestowing entitlement on specific individuals created tensions between family members, particularly where there were fault lines from previous conflicts and disputes. I heard of mothers who had complained bitterly after their daughters-in-law had received payments, angry that wives had been privileged over mothers who had borne their sons.<sup>192</sup> In practice, even if the payment was technically given to a wife or a child, it was often the head of the household who guided decisions about how it was to be used.

The finale of the bureaucratic process was when the Senior Finance Officer handed a cheque for one lakh rupees (approximately £800) to the disappeared person's relative, after having obtained the final authorising signature from the CDO. I was with several relatives when they received these cheques. They had usually been waiting in the office for hours by the time the cheques were finally handed over, the culmination of months of waiting for the promised relief. Most salient in the relatives' immediate reactions to receiving the cheques was their silence and apparent lack of response. Several of the women simply folded their cheques and placed them into their worn plastic bags with their other papers. Mina had concealed hers in a fold of her clothing, before returning to sit with other friends and neighbours who were still waiting for their cheques. Some women later spoke about how they had felt when they received their cheques, but at these moments there were no words, only silence. Was this perhaps a reflection of the numbing of the bureaucratic process, a refusal to acknowledge the transaction which had just taken place, or a realisation that no amount of money could compensate for their loss? Their silence at this final stage of the process, reiterated the silencing of relatives' emotions throughout the bureaucratic process.

## **Partial Truths, Diverse Performances and the Politics of Lists**

Various documents had been submitted, created and exchanged during the processing of relief payments for relatives of the disappeared. Tarlo has demonstrated how productive it can be to study official documents and "the circumstances surrounding their production,

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<sup>191</sup> It may not have been inconsequential that she was also rumoured to have been having an affair.

<sup>192</sup> See Das (2007: 195-6) for a comparative discussion of the differences between bureaucratically recognised entitlements and a community's understanding of moral entitlements of wives and parents, relating to compensation payments in the aftermath of political violence.

circulation and interpretation” (2003: 9). The list of 211 people whose relatives received payments from the DAO office that month was just one of several lists of conflict victims held in the district. The task of tracing and disentangling these lists was surprisingly complicated, but my confusion seemed to mirror that of others. Some lists became instrumental in directing state funds to certain people in different rounds of relief payments. Other lists told stories of dead-ends or aborted processes. Together they built a detailed picture of the processes of identifying ‘victims’ and the micro and macro politics that had influenced and contested how these decisions were made. As well as the official verification process, some lists had been circulated to NGOs for purposes of unofficial cross-checking. The lists were referred to by the number of victims’ names included in each: for example, the 211 list (of those disappeared by the state), the 196 list (of those killed by the Maoists), the 63 list (of those disappeared whose relatives had lodged applications in the DAO but whose names were omitted from the 211 list). Some of the copies of lists shared with me had had detailed annotations showing additions and deletions. The appearance of names of the disappeared both on the lists of those who had disappeared and of those who had been killed further indicated the ambiguity surrounding these peoples’ lives and deaths. The lists reflect how there have been both slippages and blurring of distinctions by officials, political actors and sometimes families themselves.

The formal process for the current round of payments had been that applications submitted to the DAO would be ‘verified’ by the Local Peace Committee. Political disputes had delayed the establishment of the Local Peace Committee, so the process of verification was being conducted instead by an *ad hoc* committee set up under the DAO. Places on the committee had been reserved for representatives nominated by the political parties and a limited number for local ‘civil society’ leaders. One of the leaders of CVC had requested to represent the victims’ association on this committee. He was invited to observe one meeting but was not called to subsequent meetings. Relatives were not able to represent themselves but had to rely on these more powerful mediators to confirm the legitimacy of their claims. When finalised at the district level, the verified list of applicants had to be sent to the Ministry of Peace and Reconstruction who would recheck it. They would then forward the finalised list to the Ministry of Finance, who would send the funds to the DAO. For the list of applications from those whose relatives had disappeared, the *ad hoc* committee’s verification process had been far from complete. A member of this committee told me that it had stalled after confirming applications from only two VDCs.

In a meeting with the CDO, he confirmed that the 211 list had come from the Ministry of Peace and Reconstruction. He did not deny that the Maoists had lobbied the Ministry but he suggested that others also had done this on a personal basis. Although the list included only names of people disappeared by the state, he refused to concede that this list had been fully orchestrated by the Maoists. This puzzled me at the time because this list, containing only the names of those disappeared by the state, simply mirrored the previous list made by the Interim Government which had listed only victims of the Maoists. About the district-level process, he commented that the verification committee had not in fact faced difficulties, and it was *because* it had had representatives from all the political parties that it had been able to work. It was interesting that he did not dispute the involvement of the political parties in bureaucratic decision-making processes, but instead proposed that the collaboration of *all* parties in the local process was what had made it possible. What he strongly rejected once again was the possibility that one political party could take control of the process. This would have entailed admitting that bureaucratic authority had been undermined.

A few days into the relief distribution process, news had begun to circulate that the Senior Finance Officer was going to be absent for five days because his daughter was getting married. Relatives feared that his absence would delay the processing of their claims. They were aware that if the political situation shifted again this could create further delays or possibly even prevent them accessing the relief money and so they were eager that their claims be processed as soon as possible.<sup>193</sup> Suresh and I had jointly raised the relatives' concerns when we met with the CDO. Whilst he lightly dismissed our concerns as unnecessary, he also gave his assurance that the process would be managed. The CDO also clarified that the names of the disappeared, which had been registered at the DAO but had been omitted from the current list, would now be sent to the Ministry of Peace and Reconciliation for approval. He expected that the money for these families would also arrive soon. Suresh noticed that one person on this additional list of disappeared people, which the DAO was about to submit to the Ministry, was alive. The CDO then asked him to check through the other names with another official. Suresh and some of CVCs leaders had previously mentioned other people whose names had appeared on the lists but who were not 'genuine' victims of the conflict, including people who had died of natural causes. Some cases were complicated; for example, that of a woman whose husband had escaped to India after Maoists had threatened him and destroyed his business, but he had died shortly

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<sup>193</sup> These fears were not unfounded. Just over a week later, Prachanda was to resign and with this the Maoists' authority in the Government diminished.

afterwards. There was a common feeling that as long as the ‘genuine’ victims were not excluded, it was not a matter of great concern if one or two less than genuine cases received payments. In fact they believed that this was inevitable and would not be a problem because funds did not appear to be limited and were coming from ‘outside’.

During the processing of their claims in the DAO, the relatives had adopted passive roles, moving through the offices in small groups, waiting to be directed where to go next by the officials. They were playing their role in re-enacting scripts of hierarchical power relations with these officials (Caplan 1975; Ramirez 2000: 179; Bista 1991). Not one of the officials in the DAO was Tharu, despite the fact that Tharus represented more than fifty percent of the population of the district (see also OHCHR 2008: 17-18). This dominance of high-caste men within government bureaucracy has been well documented in Nepal (Caplan 1970; Krämer 2008: 180). Moreover, spoken interactions with officials in the DAO were all in Nepali, and behind the hierarchies of language, were layered other hierarchies of class and gender. The roles that relatives assumed inside the office contrasted greatly with the roles many of them had taken when they stood *outside* the DAO a few weeks earlier, angrily shouting at the police and officials, boldly stating their demands and expressing their pain (see Chapter Seven). A very different performance, one of subservience and deference, was demonstrated as they communicated with the officials processing their relief claims *inside* the office. However, Burghart (1996: 302) has suggested, that such passivity is not necessarily to be seen as lacking in agency, as it shows an understanding of the very behaviour required to elicit a response from the officials.

The relatives were indeed, in most cases, successful in eliciting the required response from the officials and eventually received their payments. Nevertheless, as is often the case, more was at stake here than the processing of routine bureaucratic paperwork. The relatives queued to speak in turn with the government officials, confirming the names of their disappeared relatives when prompted. In these interactions, the disappeared person and the facts of the disappearance had been reduced to the appearance of his or her name on a typed list. No details were requested other than the person’s name and VDC, and occasionally the date of the disappearance if further clarification was required. As Bernstein and Mertz have noted, “The humanness of the human condition gets lost in the files, the halls, the shufflings of bureaucratic administration” (2011: 7). The disappeared were recognised only in as far as this established their relatives’ identities as ‘genuine’ conflict victims, eligible to receive the

Government's 'economic assistance'. The bureaucratic processing of relief payments thus served to perpetuate the silence about the disappeared.

On the application form (Figure 28) there was a list of supporting documents to be submitted along with the application: passport photographs, a photocopy of the applicant's citizenship card, a document certifying the applicant's relationship to the disappeared person and a letter of recommendation from VDC. The last item listed was "the dead person's death certificate" followed in brackets by the peculiar concession, "as far as can be provided". The application form stated that it was for relatives of the disappeared, so this last requirement was, at the least, a confusing anomaly. If a relative had a death certificate, the person named should have been categorised with those who had been killed during the war, not with those who had been disappeared. That a person had neither received official confirmation of their relative's death, nor a body, was what defined it as a disappearance. This listing of a death certificate on the form was possibly a bureaucratic oversight, if the same template had been adapted for different categories of conflict victim. Nevertheless, it was difficult not to read this as a partial and incomplete truth about the fate of disappeared persons that was slipping out through the paperwork of the bureaucratic process. Despite its listing on the application form, the death certificate was not requested by officials during the process as far as I observed, and I did not hear this issue being discussed amongst the relatives. This lack of reference to the death certificate, however, made its inclusion on the form no less insidious, especially as many of the applicants were illiterate and probably unaware of its presence as they made their thumbprint signatures. In fact, the local government officials' silence, simply mirrored the silence of Government representatives about the fate of the disappeared. The implication of death was communicated, but in a way that held open the possibility for denial.

अनुसूची-३  
दफा ६ को उपदफा ६.१ सँग सम्बन्धीत)

मिति :-

श्रीमान् प्रमुख जिल्ला अधिकारी ज्यू  
जिल्ला प्रशासन कार्यालय  
बर्दिया

विषय :- ब्रन्द पिडित लाई आवश्यक सहायोग उपलब्ध गराई पाउं ।

सशस्त्र ब्रन्दको कारण वेपत्ता भएका देहायको विवरण अनुसारको व्यक्तिको म नजिकको हकदार भएकोले निम्न लिखित कागजात संलग्न गरि नेपाल सरकारबाट उपलब्ध गराउने आर्थिक सहायता उपलब्ध गराइ दिन हुन निवेदन गर्दछु ।

वेपत्ता पारिएका व्यक्तिको  
वेपत्ताको नाम :-  
ठेगाना :-  
वेपत्ता भएको मिति :-  
वेपत्ता भएको स्थान :-

निवेदक :-  
दस्तखत :-  
नामथर :-  
ठेगाना :-  
वेपत्ता सँगको नाता :-

नावालकको हकदारको हकमा संरक्षकले निवेदन दिँदा माथिको विवरणमा दस्तखत वाहेक अन्य विवरण सम्बन्धीत नावालकको नाम उल्लेख गरि संरक्षकको विवरण तल उल्लेख गर्ने ।

संरक्षकको :-  
दस्तखत :-  
नामथर :-  
ठेगाना :-  
नावालक सँगको नाता :-

**संलग्न कागजात**

१. नेपाली नागरिकताको प्रमाण पत्र (नावालकको हकमा जन्म दर्ता प्रमाण पत्र र निजको संरक्षकको नागरिकताको प्रमाण पत्र)
२. नाता प्रमाणित पत्र
३. सम्बन्धीत गाँउ विकास समिति वा नगरपालिका बाट नावालकको संरक्षक भएको व्यहोरा प्रमाणित गरेको कागजात (नावालकको हकमा संरक्षकले निवेदन गर्दा मात्र)
४. दुई प्रति हालसालै खिचेको फोटो ( नावालकको हकमा नावालक र संरक्षक दुवैको २/२ प्रति)
५. मृतकको मृत्यु दर्ता प्रमाण पत्र ( उपलब्ध भए सम्म)

**Figure 28. Photograph of application form (with personal details of applicant blurred out).**

The role played by the Maoists in orchestrating and implementing the distribution of economic support in the district was a convincing show of their power and ability to access state resources for the families. Throughout the distribution process in the DAO the Maoist activists were present, guiding groups of relatives from their VDCs through each stage. The staff from the human rights NGO had responded when relatives sought their help and had advocated for them in more complicated cases, but they did not have capacity to play a wider brokering role. The leaders of CVC had been present in the DAO on the days when they were submitting their own applications, and had given advice and guidance to other applicants. Their absence on other days was criticised by some relatives: “Why are they not

here? They should be helping us.” Neither the human rights NGO, nor CVC, had expected the relief money to arrive so quickly. Staff in both organisations were concerned that receiving relief money might affect the relatives’ readiness to continue their fight for truth and justice. A couple of times over the course of the distribution, the Maoist District-In-Charge had come into the DAO briefly, to speak with the senior government officials. These brief visits were performances of authority that supported the junior-level cadres who were assisting the families. The Maoists’ strength, and ultimate success, in directing the course of the relief payments’ distribution, was in being able to broker the process at multiple levels. When it had become apparent that the formal process of verification in the districts was stalling because of failures to create the political consensus required to establish the Local Peace Committees, a special documentation unit had been set up within the Ministry for Peace and Reconstruction in Kathmandu.<sup>194</sup> The Maoist leadership of the Coalition Government, and the presence of a Maoist Minister leading the Ministry of Peace and Reconstruction, had enabled them to fast-track payments for the families they had identified. It was a political moment in which the Maoists had had both the organisational infrastructure from the village to the capital, and the political power to strategically guide the process.

Historically, transactions with the state officials would be brokered through a particular patron, an “intermediary” who knew both local people and those in the ‘outside-world’ (Ramirez 2000: 179, 188; also Hachhethu 2008: 165). In the absence of such patrons the practice of *chākari* (lit. subservience’) would be employed, whereby gifts, service and favours were repeatedly offered to a state official in the hope of creating such a relationship (Bista 1991: 89-94; Justice 1986; Caplan 1975). The extent to which patronage roles have been linked with political actors and have become part of the way in which political parties have developed, has been well documented (Ramirez 2000; Hachhethu 2008). What seems to have shifted with the Maoist party has been that the brokering relationship was no longer a personal relationship with a particular patron, but with the Maoists as a party. This brokering relied on the network of district and national Maoist actors who could influence different parts of the state apparatus. Their role in the relief process was an example of how the Party was fashioning itself as a supreme broker of “the people.” It did not require that relatives give specific individuals favours or services; however, it did seek their support for, and ultimately loyalty to, the Party. Nevertheless, many relatives continued to have strong links

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<sup>194</sup> During the distribution process, I met a Maoist cadre whose husband had become a martyr and who had been given a position in this unit. Her role had been to document people in four mid-western districts. She had prepared the list based on records of victims of the state collated by the Party.

with the human rights NGO and CVC: allegiances continued to be multiple rather than exclusive. Each had different resources and offered different kinds of support and solidarity to the relatives. That relatives drew on all these organisations' strategies and resources for seeking the truth about the disappeared, is comparable with the multiple strategies used by a family if someone is seriously ill, accessing as many different kinds of healers as possible in the hope of treatment and relief, a metaphor that Janaki had used (see Chapter Six).

During the long periods of waiting in the DAO, Maoist activists had used the time to discuss political matters with the relatives. I had been sitting with a group of women as a young female Maoist activist advised them on how to use the relief money they were to receive. She explicitly told them that they should not buy land, explaining that if the Party managed to get full control of the state and complete the revolution, they would give land to people like them; just as land captured from absent landlords had already been re-distributed to some families. Many of the women came from families who had very little land and some were completely landless. I do not know whether or not these women followed her advice, but many relatives I spoke with over the following weeks had used, or were planning to use, a large part of their payments to buy or lease land. Land was valued as the most important and secure asset.

### **Responding to the Government's 'Economic Assistance': Recognitions and Refusals**

Over the following weeks, remarks about the relief money were made in several conversations. The transaction was primarily commented upon in its own terms as an economic transaction. Whilst one lakh rupees was close to two years' salary for a full-time labourer locally, relatives questioned the adequacy of this amount to compensate for the economic aspects of their loss. One mother, Prem Devi, had said: "If our children had been here, think how much more they would have earned over these years." Given that most disappearances in the district had occurred between 6-8 years previously, evaluating the payment solely as economic compensation for a relative's lost income to date, it was easy to justify their complaints. For wives of the disappeared, they evaluated the relief money in relation to providing for their children's futures. Kumari had remarked, "I have to get my children through school and we do not have enough land. How is this going to be enough?" Some relatives had claimed that they had already spent the same amount searching for the disappeared. Although, it had been stated that this was only *interim* relief and that further compensation payments would subsequently be made, the details of these had not yet been



substantiated. Relatives judged the state's response only on the money that had made it into their hands. In the months after their relatives' disappearances, some families had given payments to unscrupulous brokers with political or army connections, in the desperate hope that they would help to secure the release of their relatives. Several others had had to take out loans to cover their basic expenses. When reflections had shifted outside the frame of the economics of relief payments, it was the utter inadequacy of a monetary payment to compensate for the loss of a person that relatives had highlighted. Prem Devi had asserted, "After taking a person, giving relief is not equivalent to this: people don't have a price! If they are no longer alive they should tell us." In her home a few weeks later, Sushma had reflected:

It feels like we have received nothing compared with what our person would have earned, or [compared with] him still being here, able to speak with me... I felt really bad the day when the money came into my hand.

The transaction with the state had been on economic terms, but this masked the story of much greater personal loss that had been, and continued to be, experienced by relatives.

After receiving their cheques in the DAO, relatives had had to cross the road to the bank so that they could deposit and cash them. Most of the relatives did not have a bank account and so first had to follow another documentary trail through a series of offices, submitting more forms, photocopies and photographs. In many cases the cheque was written in the name of the disappeared person's wife or child who were as unfamiliar with the procedures in the bank as they had been in the DAO. The same Maoist activists, who had taken the relatives through the offices of the DAO, now guided them through the procedures at the bank. The bank's security guard played a strategic role in helping the process of opening an account to run smoothly, directing people to the correct rooms and even helping some to complete the forms.

Whilst at the bank one day, I met Vishnu again. She was sitting at the side of the small inner courtyard with her daughter Reshma, a young woman who worked as a fieldworker with a local NGO.<sup>195</sup> A local Maoist activist had identified their family to me as one of the poorest of the families of the disappeared in their VDC. They had no land and Reshma's father, a teacher in a local government school, had taken out a loan before he had been disappeared to

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<sup>195</sup> I had visited their home on a few occasions and Reshma had assisted me with translation from Tharu to Nepali when speaking with some other women in her village one day (as well as translating for her mother who spoke another language of the central Tarai).

finish building their house. Reshma described how their house had only had plastic sheeting on the door the night the army had come. They had called her father out of the house, demanding that he go with them to identify the house of the school's headmaster.<sup>196</sup> The army arrested five people from the area that night, two of whom were later released. Leaders in the village had initially assured Reshma's family that her father would also be released because he was a teacher and not a party member, but he had not returned. The house, where Reshma, her mother and her two younger sisters still lived, remained unfinished. The family were originally from another district, but because the plot of land on which the new house was built was in Reshma's father's name, it was impossible for them to sell this and return to where their extended family were living. In addition, she had said it would be difficult to leave without knowing what had happened to her father: their memories of him were integrally woven through this house (see Chapter Four). Since finishing her School Leaving Certificate, Reshma had taken on short-term voluntary and then fieldworker positions with local NGOs and her small salary had supported the family.

As we chatted in the bank's courtyard, I gently prompted Reshma with questions about the relief payment. She replied emphatically:

This is not enough. We still do not know the truth about what happened to my father. We have a right to know the truth, and to be given justice and full compensation.

She clarified that what they had received that day was just 'interim relief' - she used the technical term, distinguishing this money from 'compensation' or 'reparations'. When I asked her what it meant that her father had been disappeared by the state and today the state had given her family this money, she challenged my assertion: "This is not the same state that took our people." She definitively rejected the elision I had made between the former and the current state, or more precisely between the state security forces who had taken her father and the current administration that was distributing the cheques. She refused to attribute any further meaning to the cheque, and instead highlighted the inadequate response of the state with regards to truth, justice and full compensation. I had been uncritical in how I had framed my question to Reshma and had not anticipated such a vehement response. During the protests other relatives had been as emphatic in identifying the current state with the state that had been involved in disappearing their relatives, as Reshma had been in denying this after her family had received their cheque.

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<sup>196</sup> The family believe that this may have been a decoy and the headmaster may actually have been involved in informing on Reshma's father because there had been an ongoing dispute.

Reshma's refusal to accept a wider meaning to receiving the interim relief cheque was mirrored in the state's reluctance to admit any responsibility when making the payments. Using carefully selected neutral terms, the new application form had referred to 'necessary economic assistance for conflict victims', which implied that the relief payments were the state's response to the force of circumstances, rather than in any way an acceptance of responsibility for creating these circumstances. Had it used the term 'interim relief,' which had been used in public discourse about these specific payments, or 'compensation,' which was used even more widely, this could have been interpreted as a recognition of responsibility on the part of the state. The refusal to accept the cheque as a public acknowledgement, both on the part of the state *and* on the part of relatives, was what allowed this transaction to take place. The state was simply performing its role as a 'provider' and relatives were willing to accept the transaction, but only on these terms. However, the hollow contradiction in the denial of official recognition by the state, whilst providing the disappeared victims' families with 'necessary economic assistance', was perhaps what echoed so uncomfortably in the silences and subdued tones of the relatives as they had moved around the DAO office.

On the day she had received her cheque, I had been with Janaki in the DAO. She had the cheque in her hand but would have to return another day to take it to the bank, as it had already closed. We went to drink tea in the small tea shop just outside the gate of the DAO. As we were leaving, I had watched as she tucked the cheque into a fold in her clothing and, having a more familiar relationship with her than with some of the other women, I had commented that she should look after the cheque carefully. She replied: "Of course I will. This is my husband now." Her response startled me. It was in stark contrast with the refusals of other relatives to attribute any meaning to the cheques. She had articulated the irony of the transactions that had taken place in the DAO, an irony that others had responded to with silence: as if the cheque could ever equate to a person, yet this was exactly the exchange that the bureaucratic process had delivered. Her husband's existence had been reduced to a name trail written on various pieces of paper to validate her claim for 'economic assistance' in the state record.

The detached processing of the relief payments, with the categorisation of victims and their validation on different lists, was integral to the bureaucratisation of their loss. Irony often speaks to uncomfortable truth. For Janaki this cheque was all that had been returned to her

by the state, who exactly eight years and one day previously had disappeared her husband. In that moment, she had interpreted the transaction with the local government officials as a gesture which communicated that her husband would not come back. Families' attempts to trace their disappeared relatives had brought them to the DAO, but the process had become one of chasing forms, and the only trace they received back was not what they had been searching for: they had not found their relatives amidst the paperwork. At the end of the documentary trail all they had been handed was a cheque - another piece of paper. Following the documentary trails through the government office, they had stumbled upon half-truths and been given 'empty' acknowledgements. Rather than receiving information from the DAO about what had happened to the disappeared, the relief distribution process had inscribed *the relatives* in the records of the state and required that *their* photographs be lodged in the registers. Figuratively, they had taken the place of the disappeared within the bureaucratic records, through a process that had documented token compensation whilst silently papering over the absence of their disappeared relatives.

## Conclusion

Examining the interim relief process and following the documentary trails it produced has offered insight into the functioning of the state "as a multi-layered, contradictory, translocal, ensemble of institutions, practices, and people" (Sharma and Gupta 2005: 6). Much scholarship on the state within anthropology has discovered that in trying to bring the state into focus it becomes more elusive and what is imagined as a whole begins to fragment (see Abrams 1988; Mitchell 2006 (1999), Hansen and Stepputat 2001). Boundaries between the state and society are blurred (Gupta 1995). The line between the state and political parties becomes difficult to distinguish (Hachhethu 2008). Yet, the idea of a unitary state persists with powerful force. Abrams has argued for the need to separate the concept of 'state-system', the institutions and functions of the state, from the 'state-idea', how the state is imagined and how this state-idea then becomes utilised.

Das and Klienman's statement from their work on political violence and social suffering, quoted at the beginning of this chapter, points to a not unrelated idea about the tension between the official and unofficial workings of the state. This is relevant to analysing the functioning of the state bureaucracy, as described in this chapter, and to grappling with the relationship between the state and the disappeared, which lies at the centre of this thesis as a whole. The officials in the DAO were eager to maintain a façade of officialdom and rationality during the distribution process, even as the evidence of contestation and

discrepancies slipped out in the paperwork, and the presence of political actors pointed to a more complex brokering of the process. It was necessary for some things to remain ‘hidden’ or ignored *in order* for the bureaucracy to maintain its authority and the rational outward facing image of the state. This dichotomy between the official and the unofficial is also seen at a national level. Externally, modern governments in Nepal have committed to the observance of human rights and equality. Internally, power has continued to function largely through hierarchical relationship structures and patronage, with political parties playing an increasing role in this.

The difference between the relatives’ confidence during the protests and their approach to the state once they crossed the threshold into the DAO office was striking. The threshold of a government office is a boundary marking the domain of the state, an internal boundary which Fuller and Harris suggest parallels the external boundary at the border of the territorial state (2001: 24). Once they crossed this boundary they were no longer addressing a distant state, the state-idea, but were face to face with the state-system in all its incoherence and uncertainty where nothing could be guaranteed (Poole 2004). In encounters with the state bureaucracy, relatives were at the mercy of what Das has described as the state’s “paradox of illegibility” (2007: 162), and so wanted to do as little as possible to jeopardize the process. Silence and the avoidance of anything that might provoke the officials became the safest strategy. However, the imbalance also created spaces for harassment, with officials challenging women about remarrying (see Chapter Four). It seems likely that the presence of brokers also encouraged passivity amongst the relatives, as they were allowing others to act on their behalf.

In order to interpret relatives’ response to relief payments it is important to understand the history of the way in which the state has been experienced and imagined in Nepal, a history which has differed from the post-colonial experiences of other South Asian nation-states. Ramirez has described how the locus of governing authority shifted from a known local sovereign in the Nepali village, to an unknown distant entity:

With the growing integration of each locality in the national collectivity and the international market, the ultimate site of authority and resources was progressively moved away, making it inaccessible to the mass of peasants. Where the local sovereign had previously represented an identifiable person, physically “known” and directly “perceivable”, the incarnation of supreme authority became a distant entity. (Ramirez 2000: 171)

Burghart's (1996: Ch. 8) detailed account of the development of the concept of the nation-state in Nepal has shown how complex relations between Nepal's rulers and people were mediated through contractual relationships in relation to land, as well as through ritual and ancestral authority. These three realms of authority were distinct but overlapping, each relating in a different way with people and territory. With the creation of the Panchayat regime, an 'implicit separation' of state and King began, but overall authority remained with the King for another thirty years (Burghart 1996: 256). Even with the shift of economic authority to the democratically elected political parties in 1990 and the establishment of an independent judiciary and police force, the King retained moral or ritual authority in the state which constitutionally was still a Hindu kingdom. This moral authority gave the King power to dismiss the government, if he decreed it was not acting for the good of the nation. Critically, the King also retained political authority through the tight links between the palace and the army. This historical division of governing roles and the over-layering of different realms of authority make it easier to explain how relatives could accept relief payments as an economic provision from the state without openly accepting a moral or political meaning to this transaction.

Nevertheless, there was potential for relief to be read more politically as an admission of guilt that could strengthen the fight for justice. A relative in Kathmandu, who had been a member both of SOFAD and CVSJ, commented:

First they told us they had not arrested our person, but now they are giving relief, even though they have not told us where they are. We are taking this to mean that the state has accepted that they killed our family members. That's why they are giving relief. We are saying that they have accepted this, because we are going to file cases and this will also be proof.

A similar response had been taken by women in a Delhi slum, who had accepted money from the state after their relatives had been killed in politically instigated violence against Sikhs after Indira Gandhi's assassination. Das observes how they had utilised this as an 'opening' rather than a 'closing', taking it as an impetus to pursue justice through the democratic processes of the law (2007: 197). It will be interesting to see to what extent the interpretation of relief as an admission of the state's guilt will be taken up in future pursuits of legal justice by the relatives in Nepal. Approaching the state as an arbitrator of justice is to appeal to the state's moral authority, but where does this moral authority now lie?



## Conclusion

This thesis set out to give witness to the experiences of families of the disappeared in the aftermath of the war in Nepal and to learn how they have lived with the ambiguity of their relatives' uncertain absence. It sought to study the repercussions of disappearances on personal and social life, considering the implications on ideas of personhood and the impacts on relations within families and communities. Beyond their immediate families, the disappeared have caught the attention of external actors from humanitarian, human rights and political backgrounds, whose varied discourses and engagement with families of the disappeared have offered different kinds of resources and support. This thesis explored the impacts these external discourses have had on how relatives came to understand both their own subjectivities and the possibilities for action on behalf of the disappeared. Following from this, it examined to what extent engagement with these actors has helped relatives find acknowledgement for their suffering and support for their priorities. Broadening the focus one more time, this thesis sought to trace how relatives have approached state authorities as they have searched for the disappeared and demanded justice, and how the state has responded. Through studying experiences of uncertain loss at a personal level, the implications on social relations, how these experiences have been mediated through the discourses of the human rights organisations and the Maoists, and finally, how the disappeared have been drawn into political contests over the shape of the state, I have attempted to weave together an ethnography of the 'politics of loss'.

The implications of the ambiguity of the disappeared person's status, has been a thread running through many of the chapters. Chapter Three revealed how devastating the uncertainty following disappearances can be. Ama was unable to find connections with others in grieving her loss, as the regular social practices of mourning were unavailable whilst the status of the disappeared remained ambiguous. She was left isolated and trapped within her grief. This chapter also revealed how ambiguous political identities placed people at risk of disappearance during the time of the war. In a context where violence acted to polarise political identities, those who refuted categorisation or traversed the lines were regarded with suspicion. Chapter Four considered how the ambiguity of not knowing whether a person is alive or dead left unresolved histories. The disappeared person's absence disrupted relationships within families and within the wider community. No longer present, the absence of their bodies and the possibility, however tentative, that they might still be alive, has left families in a disturbing and disruptive limbo. This is why the one recurring demand of relatives has been for the return of a body alive (*sās*, lit. 'breath') or dead (*lās*).



Only then can the ambiguity of their present situation be relieved. The *materiality* of the body is the ‘truth’ families require for the disappeared person to be reintegrated within the social world. It necessitates that the whereabouts of the disappeared are *located* within geographical space, so that they can then be re-located within specific family histories and social relations can be set back in order: the living able to get on with life and the dead appropriately respected.

In their search to establish the fate of the disappeared, relatives have turned both to human rights organisations and, in the case of families of those disappeared by the state, to the Maoists. In Chapter Five, we observed that encounters with human rights discourse have offered an opportunity for re-imagining local moral and political landscapes. Human rights organisations’ identification of the disappeared as ‘conflict victims,’ has emphasised passivity and highlighted their ‘innocence’. It is the ambiguity of the disappeared that has enhanced the possibilities for inscribing different identities onto them. In Chapter Six we learn more about how the disappeared have been appropriated as political symbols and inscribed with new identities. The Maoists’ progression towards identifying the disappeared as ‘warriors’, emphasised their active role and their death as a sacrifice. These contrasting discourses from the human rights organisations and from the Maoists have in turn influenced the experiences of relatives, who have sometimes accepted, sometimes resisted and sometimes re-appropriated these.

Yet, through the rhetorical appropriation of the disappeared by these other actors, the disappeared have been removed a second time, this time symbolically, from their families. In human rights narratives, the person has been extracted from their social relations and the wider context of their lives. The Maoists’ appropriation of the disappeared has relocated them symbolically within the ‘family of the martyrs’ who have sacrificed themselves for the revolution. As Das has observed, “[T]he construction of meta-narratives, through the agency of the state, the community, or professional discourses, often ends up appropriating the sufferings which they seek to represent” (1995: 205).<sup>197</sup> Whilst advocating for relatives of the disappeared, both Maoist and human rights campaigns have utilised the disappeared for broader political goals. For the Maoists this has been overt: their project has been revolutionary transformation of the state. Human rights organisations have been positioned very differently, and yet their overarching goals have also been focused on the state, seeking

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<sup>197</sup> She suggests that we can counter this “by allowing other narratives to come forward” (1995: 205). I hope that this thesis has given space to some of these other narratives.

its reform by utilising networks to influence and pressurise the Nepali state into ‘ending impunity’ and establishing the ‘rule of law’. These goals have been no less political, and arguably no less revolutionary.

It is the fundamental ambiguity of a person’s status – whether they are alive or dead – that is *both* what makes a disappearance a particularly difficult kind of loss for relatives to bear, *and* what makes the disappeared such a potent symbol. The tension between families’ experiences of a disappearance and the use of the disappeared as a political and moral symbol, has been the core theoretical and ethical concern of this thesis. LaCapra states: “individuals or groups [...] face particular losses in distinct ways, and those losses cannot be adequately addressed when they are enveloped in an overly generalized discourse of absence” (1999: 698). The Maoist discourse of sacrifice with its etherealized ‘family of martyrs’ is one such discourse that generalises absence; indeed the very goal of this discourse is not to mourn the particular person but rather to celebrate the political collective achievements.

What makes disappearances especially pernicious is the removal of all trace of an individual: denying the existence of a particular person and withholding the possibility for mourning a particular life. Cohen quotes Argentinean army commander General Roberto Viola’s words that the disappeared were people who would be made “absent forever” (2001: 105). The act of disappearance converts loss into absence, through the denial of the existence of the person. There has often been strategic intention to this: disappearances were used as a tactic to terrorise the communities from which the disappeared have come (e.g. Robben 2005; Zur 1998). Referring to the secret disposal of the bodies of disappeared people in Argentina, Robben has written: “The dead persons were not acknowledged as human beings who deserved a proper ritual reincorporating them into the social world as deceased persons” (2005: 269). Here we see how the distinction between loss and absence links directly to acknowledging, or denying, the humanity and the dignity of the person. In the act of disappearances, abstraction acts against the acknowledgement of the particular. Therefore, acknowledgement of the particular becomes the necessary ethical response. Failure to acknowledge particular persons can mean that one becomes complicit in processes of prolonging abstraction and reinforcing absence.

Ambiguity over the fate of the disappeared, and above all the absence of a body, has held open the fragile line between life and death. Those who have disappeared are no longer

present with their families, but neither have they been separated from the living: their fate remains unknown. Relatives desire certainty – to receive a body – be that either their person returned alive or returned as a corpse. Only this can enable reintegration of the person into the social world or the appropriate ritual separation through funeral rites. Although with the passing of time relatives' belief that the disappeared will return alive has diminished, as long as uncertainty remains, hope, however fragile, cannot be abated. Their priority is to find particular information about the disappeared persons' whereabouts and to discover the truth about their fate. The discourses of victimhood and martyrdom have provided contrasting interpretations of loss which have offered relatives further possibilities for hope and despair, but have ultimately not yet brought them closer to specific truths.

Chapters Seven and Eight described relatives' engagement with the state in their protests and during the relief distribution. The relatives' protests in Chapter Seven demonstrated how the idea of the state as a unitary authority persists: an authority that has the power to listen or to refuse to listen (Burghart 1996); to recognize or to refuse to recognize personhood; to deliver or to withhold justice. However, the relatives of the disappeared in Nepal have discovered the difficulties of tracing where exactly this authority lies. In Nepal, the fragmentation of state authority has been shown to have a historical legacy (Burghart 1996) and, whilst these were once united under the ultimate authority of the king, the removal of the king has left a vacuum. During this 'transitional' period the state itself has been in limbo, with the new constitution as yet unwritten. This ambiguity about where authority lies is a space that has perpetuated hope about a future imagined state, and also invigorated strong contestation – several governments have already come and gone in the post-war period. The most telling power struggle was between Prachanda as Prime Minister, the Chief of Army staff and the President (Chapter Six), which tested the 'ceremonial' President's role for the first time and highlighted the schism that remains between the authority of the army and that of the Parliament.

What makes disappearances such an insidious political act is the holding of peoples' lives and deaths in limbo. This line between the life and death of the disappeared person becomes another margin along which statecraft can be performed (Spencer 2007: 116), a border at which sovereignty is contested (see Hansen and Stepputat 2005: 11). Samaddar has specifically observed that statecraft thrives on the ambiguity of such borders (1999: 21 cited in Spencer 2007: 115). Ultimately the absent bodies of the disappeared have been drawn into contests over sovereignty in Nepal and where moral and political authority lie. This gives

insight into why the disappeared have become such a potent and powerful symbol, and elucidates the underlying tension between personal and the political in relation to the disappeared.

Undertaken in the aftermath of the war, this thesis offers a contribution to the ethnography of the 'transition' period. The call for the state to recognise the disappeared, in some respects resonates with the calls of marginalised ethnic and regional groups in the aftermath of the conflict. To scholars of Nepal, this offers an alternative perspective from which to consider these demands for recognition and representation, and what these demands reveal about the aspirations for the new state's relationship with its citizens. At stake is the future relationship between the state and the people who live in its cultural, geographical and political borderlands.

A limitation of this study has been the exclusion of relatives of the disappeared who were more isolated. I chose to study disappearances in a district which had received considerable attention from national and international human rights workers. The experiences of families in other districts, which saw far fewer disappearances and as a result received less attention, would merit further study. From accounts I heard, some of these relatives had faced significant stigma. An important arena that was beyond the scope of this study was the media. The media have contributed significantly to public awareness about disappearances in Nepal, publishing the stories of different families, reporting on political and legal developments, and conveying the messages of those campaigning for truth and justice. Examining the role of the media would provide an important contribution to the understanding of how moral platforms have been created for those campaigning for the disappeared. Furthermore, it could contribute to our knowledge about how the 'conditions of listening' (Burghart 1996) are changing in the current political arrangements.

To piece together why and in what circumstances disappearances occurred and to understand how far these acts related to historical cultures of impunity and what other factors were involved, would require interviews with security service personnel and members of the Maoists who were involved in disappearances. Such research would be hugely challenging and possibly inadvisable until the transitional justice commissions have been established and done their work. Nevertheless, it is an important gap for the longer term research agenda into the contemporary Nepali state. Tracing how the proposed Truth and Reconciliation Commission and the Investigative Commission on Disappearances unfold, holds

considerable scope for further research. Human rights have again been enlisted to help legitimise the new state. However, the initial commitments that were written into the peace agreements, have wavered over more recent years. the commissions are currently at risk of being pursued in ways which counter international conventions, especially with regards to issues such as amnesty, which would perpetuate impunity and undermine the 2007 Supreme Court ruling. An important issue for both research and ethical practice, which may emerge in parallel to the commissions, is the impact of potential exhumations on relatives of the disappeared, and specifically how the bodies and their still latent personhood are handled in any process.

## Inconclusions

The transition process has not yet delivered the changes many people have been hoping for in ‘new Nepal’: many of the underlying hierarchical and exclusive power structures remain in place in state bureaucracies; following a brief period of consensus-building politics around the peace accord, political parties have returned to more oppositional stances, stalling the constitution writing process. In relation to the disappeared, many bureaucrats who held positions during the conflict are still serving in other postings; army generals documented in OHCHR reports as having been involved in disappearances have been promoted and given other privileges; and those who have been accused on the Maoist side have become ministers in post-conflict governments. Moreover, one leading activist for the families of the disappeared heard suggestions from contacts in the administration that documentary traces about the disappeared have been destroyed. Whatever traces of documentary evidence may or may not still exist, what has *not* been destroyed and what cannot be so easily erased are people’s memories. There must still be dozens of people in the junior as well as senior ranks of the security forces in Nepal, in the government bureaucracy and in the Maoist ranks, who hold pieces of the stories about what has happened to the people who disappeared. Acknowledgement of the whereabouts of the disappeared, and the resolution of their ambiguous status, lies in the hands of these people. Nepali analyst C K Lal has commented astutely, “Violence brutalises the perpetrator and the sufferer alike.” (2003 (2001): 135).

OHCHR’s report (2008) on its investigations into disappearances in Bardiya included witness testimonies from people who had been detained with Mohan’s father. These suggested that a few months after his arrest, he was removed from the army barracks with a group of other detainees, and taken in a truck loaded with shovels in the direction of the forest. None of those people returned to the barracks, nor did they return to their homes.

Relatives of the disappeared have repeatedly stated, “we are not at peace”.<sup>198</sup> Until the truth about the disappeared is revealed and opportunities to pursue justice are given, Nepal will remain a country whose people are “not yet at peace”.

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<sup>198</sup> See for, example, Bhandari, 28/08-03/09/09 and 6-12/04/12, *Nepali Times*.



## Annex One: Timeline of the People's War

This timeline presents a chronology of key events related to the People's War, beginning with the establishment of CPN(M) in 1995. It includes the following details: the main stages of the war (1996-2006) according to CPN(M)'s military strategy and the Government's response; major battles as well as smaller clashes and attacks, in which state Security Forces' personnel, Maoists and civilians were killed; peace talks and periods when a state of emergency was imposed; enactment of legislation related to the war and its monitoring; and the initiation of foreign aid support to the Government's anti-insurgency operations. Included are the major incidents and those noted in other secondary sources. These present an indication of the level of violent incidents during different periods of the war. Discrepancies remain as to the exact numbers of casualties in many cases, though independent sources have been favoured where available. The political events of the immediate aftermath of the war and the peace process are given, up until the point of Prachanda's appointment as the first post-war prime minister in the summer of 2008.

<b>1995</b>	March	The CPN(M) is formed from CPN(Unity Centre) and confirms their intention to initiate an armed struggle.
	September	CPN(M) agree to their 'Plan for the Historical Initiation of the People's War'.
	October	The Maoists launch a political campaign (the SiJa campaign) in Rukum and Rolpa districts, which are to become key base areas.
	4 November	The Police launch "Operation Romeo" targeting Maoist supporters in Rolpa, and also Rukum and Dang.
<b>1996</b>	4 February	Maoist leader Baburam Bhattarai submits a 40-point demand to the Government with an ultimatum to meet demands by 17 February or the CPN(M) will begin an armed struggle.
	13 February	Maoists launch the People's War with attacks on police posts in Rukum, Rolpa, Gorkha and Sindhuli and the district agricultural development bank in Gorkha. They also attack a Pepsi Cola factory in Kathmandu and a distillery in Gorkha.
	27 February	Six Maoists are killed by the Police in Rukum and two are arrested and later killed in Jajarkot.
	6 May	Maoists carry out their first ambush on the Police in Rukum, killing two police personnel and capturing two rifles.
	June-July	The CPN(M) Central Committee meet and pass their Second Plan of the People's War, with the slogan 'Let's Develop Guerrilla War in a Planned Way.'
<b>1997</b>	3 January	Maoists take control of a police post in Ramechhap.
	8 January	Parliament passes the Human Rights Commission Act (1997) 2053 B.S. which sets out plans for the establishment of a national commission.
	April	The Government sets up a task-force to study the Maoist insurgency and



		make recommendations.
	26 May	CPN(M) Central Committee pass their Third Plan of the People's War, with the slogan 'Let's Raise the Guerrilla Warfare to a New Height of Development.'
<b>1998</b>	13 February	On the second anniversary of the start of the People's War, the Maoists declare the formation of their Central Military Commission, led by Prachanda.
	26 May	The Government launches 'Kilo Sierra II' a major police operation in the districts where the Maoists have been operating, which is to last for one year.
	3 June	Five Maoists cadres are arrested and killed in Gorkha.
	5 June	The Police intervene during a school programme in Jajarkot, killing eight people including a health worker, teachers and students.
	19 June	Eight people are arrested by the Police in Jajarkot and killed in the jungle.
	5 August	Maoists ambush a police patrol in Rukum, killing two police personnel. The Police kill four Maoists in the same VDC that day.
	August	CPN(M) Central Committee meeting decides on a Fourth Plan with the slogan 'Let's Advance in the Direction of Base Area Formation.'
	19 October	Five people are killed by the Police in Rukum.
	26 October	CPN(M) announce their plan to establish 'base areas'.
	3 November	Five people are killed by the Police in Sindhuli.
	9 November	The Police kill seven Maoists cadres, including a District Leader in Dang.
	29 November	Twelve people are killed by the Police in Jajarkot.
	12 December	The Police kill eight Maoist cadres in a house in Gorkha.
	19 December	Five people are killed by the Police in Rukum.
	28 December	Nine people are killed by the Police in Gorkha.
<b>1999</b>	1 January	The Police kill five people in Jajarkot.
	3 March	Seven police personnel are killed by Maoists during an attack on a police post in Dang. Four Maoists are also killed.
	5 March	UML candidate is killed by Maoists during an election campaign in Rukum.
	19 March	In Kavre, the Police kill seven Maoist artists from the All-Nepal People's Cultural Association.
	22 May	Maoists attack a police post in Gorkha, killing five police officers. One Maoist is also killed.
	14 June	A police base camp in Jajarkot is attacked by Maoists and nine people are killed, including five police personnel.
	22 June	Eleven members of a cultural troupe of CPN (M) are killed by the Police in Rolpa.
	29 June	Six people who were alleged to be Maoists are killed by the Police Jajarkot.
	20 July	Six people including a Maoist district member are killed by the Police in Jajarkot.
	August	The Government announces the Ganesh Man Singh Peace Campaign to rehabilitate Maoist activists who surrender, and to pay compensation to victims of the Maoists.

	8 September	A Maoist Politburo Member and a Commander are killed in a police encounter in Gorkha.
	22 September	Seven police personnel are killed and a Deputy Superintendent of the Police is taken prisoner by Maoists in Rukum. They demand release of Maoist prisoners in exchange for his release.
	26 September	A police post in Kavre is attacked by Maoists - three police personnel and two Maoists are killed.
	1 December	PM Bhattarai sets up a high-level commission under former PM Deuba to address the insurgency.
	14 December	The Police attack a Maoist training centre in Rolpa and kill 11 Maoists.
	December	Amnesty International (2003) reported 56 disappearances in 1998 and 1999.
<b>2000</b>	3 January	Maoists attack a police station in Jumla, killing nine police personnel.
	14 January	The Police shoot at a cultural programme organised by the Maoists in Achham, killing nine people, seven of whom were civilians.
	22 January	Six police personnel are killed in a Maoist ambush in Jajarkot.
	15 February	The Police kill five Maoists in Surkhet.
	19 February	Maoists attack a police office in Rolpa, killing 15 police personnel. One Maoist is also killed.
	22 February	The Police burn down 300 houses in villages in Rukum and kill 18 people, apparently in response to the killing of police personnel in the Maoist bomb explosion in Rolpa three days earlier.
	5 April	Maoists attack a police office in Rukum, killing eight police personnel.
	12 April	Six police personnel are killed in a Maoist ambush in Surkhet.
	26 May	Five Maoists are killed in a house in Kailali and a sixth is killed after surrendering.
	5 June	The National Human Rights Commission (NHRC) is established.
	7 June	Maoists attack a police office in Jajarkot – 11 police personnel, seven civilians and two Maoists are killed.
	7 August	Maoists reject proposal of talks offered by the Government.
	24-25 September	Maoists launch a major attack on Dunai, the district headquarters of Dolpo, seizing the DPO, the prison, the land revenue office and a bank. They loot arms and cash. Fourteen police personnel are killed and 12 are abducted. (They are later released.)
	27 September	Maoists attack a police post in Lamjung, killing eight police personnel and three Maoists.
	October	The Government decides to set up army bases in 16 districts.
	27 October	A one-to-one meeting is held between the Deputy Prime Minister and a Maoist Central Committee Member.
	29 November	The Maoists attack a police post in Kalikot, killing 11 police personnel.
<b>2001</b>	22 January	King Birendra approves the Government's Armed Police Ordinance 2057 (2000) to set up the Armed Police Force (APF) for counter-insurgency operations.
	3 February	Maoists ambush a convoy in Surkhet which includes Nepal's Supreme Court Chief Justice. He escapes but five police personnel are killed. The Maoists later state they did not intend to attack the judiciary.

February	The Maoists elect Prachanda as party chairman and announce a new doctrine, the 'Prachanda Path' at their second national conference.
1-5 April	Major attacks are launched by Maoists on the Police in Rukum and Dailekh and a smaller attack in Dolakha. 79 police personnel are killed, including eight who were alleged to have surrendered. More police personnel are injured and captured by the Maoists. 17 Maoists are also killed.
April	The Government announce plans for an Integrated Internal Security and Development Programme (IISDP) which is to involve a key role for the RNA.
1 June	The Royal Palace witnesses the massacre of King Birendra and Queen Aishwarya and seven other members of the royal family, by Crown Prince Dipendra.
4 June	Birendra's brother Gyanendra becomes king.
6 July	Maoists attack police posts in Lamjung, killing 21 police personnel; in Gulmi, killing 10 police personnel; and in Nuwakot, killing a further 10 police personnel.
12 July	Maoists launch a major attack on the DPO in Holeri, Rolpa, killing one and taking 69 police prisoners. They demand the release of half of the Maoist prisoners in jail.
19 July	PM Koirala resigns after orders to the army to rescue the captured police in Rolpa are not followed through.
23 July	Deuba is elected PM and proposes peace talks. A Maoist attack kills 15 police personnel in Bajura.
25 July	The Government and then CPN(M) announce a ceasefire.
30 August	The first round of peace talks begin between CPN(M) and the Government in Godavari, outside of Kathmandu.
13-14 September	The second round of peace talks are held in Bardiya.
13 November	The third round of talks in Godavari end in deadlock. Prachanda withdraws after the Government refuses to concede to CPN(M)'s demand for Constituent Assembly elections.
23 November	The ceasefire ends and the Maoists launch a series of attacks. For the first time they launch a major attack on an army barracks in Dang. 14 soldiers and some Maoists are killed. Dozens are injured. The Maoists take a large loot of arms and money. A further 14 police personnel are killed in attacks in Syangja. CPN(M) announces the establishment of a United Revolutionary People's Council headed by Baburam Bhattarai.
24 November	CPN(M) officially declares the formation of the PLA headed by Prachanda as Supreme Commander.
25 November	The PLA launch further attacks on police, army and government locations, and an airport in Solokhumbu, killing 34 people including 11 soldiers and a Chief District Officer.
26 November	The Government declares a state of emergency across the country. The RNA are deployed and take commanding role of Security Forces' operations. The Maoists are declared 'terrorists' and the Terrorist and Disruptive

		Activities (Control and Punishment) Ordinance (TADO) 2058(2001) is passed.
		Maoists kill six Security Forces' personnel in an ambush in Darchula.
		The Kathmandu offices of <i>Janadisha</i> and <i>Janadesh</i> , the daily and weekly Maoist supporting newspapers, are raided by the Police. A dozen journalists are arrested.
	28 November	Security Forces kill 11 civilian farmers working in a field in Dang.
	30 November	Five civilians are reportedly killed by shots from an army helicopter, whilst attending a religious festival in Rolpa.
	7 December	Maoists attack an army camp in Rolpa but are unsuccessful and at least 17 Maoists are killed.
	8 December	At least 23 PLA combatants are killed during an attack on an army camp in Salyan.
<b>2002</b>	23 January	Maoists attack a police post in Panchthar. Five police personnel and at least 23 Maoists are killed.
	5 February	Maoists attack a police office in Kavre killing 16 police personnel. One Maoist is also killed.
	16-17 February	Maoists launch a huge offensive on Mangelsen, the district headquarters of Achham, attacking the RNA army base and the DPO, and setting fire to the DAO, the District Court, the DPO and other government buildings. Many are killed including 55 soldiers, 77 police personnel, four government officials, including the CDO, and two civilians. There are at least 20 Maoist casualties.
	21 February	The state of emergency is extended by the Parliament for 3 months. Maoists kill 30 police personnel in Salyan.
	24 February	Four days after an RNA helicopter is shot at near the airport in Kalikot, RNA executes 35 civilian construction workers. 17 of these workers are from the village of Jogimara in Dhading. Their relatives register these men as missing, unaware of what had happened to them.
	17 March	Security Forces attack a Maoist training camp in Rolpa. At least 44 people are killed including civilians. Maoists report 30 Maoists killed.
	19 March	RNA arrest and shoot dead 14 civilians and Maoists in Rukum. Maoists attack a police post in Kailali. Eight police personnel and three Maoists are killed.
	25 March	In Rolpa eight women and one man are killed by Security Forces whilst they are farming, after the Maoists explode a bomb in their VDC.
	10 April	The Government enacts the Terrorist and Disruptive Activities (Control and Punishment) Act (TADA) 2002 to replace TADO.
	11 April	Maoists attack the APF base in Dang, killing around 36 APF personnel. Ten Maoists and 3 civilians are also killed. The army later kill Maoists when they are returning to their bases after the attack.
	23 April	The Government announces a bounty on the heads of the Maoist leaders, and offers payments for weapons that Maoist cadres hand in.
	2 May	The RNA attacks a Maoist training programme in Doti, killing around 15 Maoists and some civilians. Five RNA soldiers and six Maoist combatants are killed in clashes in Rolpa.

2003	7 May	Maoists attack an RNA camp in Rolpa, killing more than 70 Security Forces' personnel and six civil servants. At least 35 from the PLA are also killed.
		Maoists attempt to attack an APF base in Sankhuwasabha but are repelled, leaving 20 Maoists and four APF personnel killed.
	7 May	US President Bush pledges support for the Nepal Government to combat the Maoist insurgency.
	15-18 May	The governments of the UK and India offer help to the Nepal Government to combat the insurgency.
	22 May	PM Deuba dissolves Parliament and calls for fresh elections, after clashing with Koirala over the extension of the state of emergency.
	27 May	Maoists attack an army camp in Khara, Rukum, but are repelled and sustain heavy losses. More than 150 PLA combatants are killed. One civilian and five RNA soldiers are also killed.
		The state of emergency is re-imposed for three months.
	12 June	Maoists attack a Security Forces' patrol in Salyan, killing four and injuring many other RNA soldiers. Maoists suffer heavy losses with 53 Maoist combatants killed. Two civilians are also killed.
	26 June	Media reports that the Police have killed Krishna Sen, a Maoist Central Committee member and editor of <i>Janadisha</i> , who was in police custody in Kathmandu.
	8 July	RNA establishes its first human rights cell at its headquarters.
	31 July	Security Forces attack Maoists in Dolakha, killing at least 15 PLA combatants.
	8 September	Maoists attack a police post in Sindhuli, killing 49 police personnel and injuring 21. At least 22 Maoists are killed in the attack.
		The same night Maoists attack the district headquarters of Arghakanchi, killing at least 58 security personnel and looting 90 million rupees.
	4 October	King Gyanendra sacks Deuba, postpones elections indefinitely and assumes executive authority. Subsequently he appoints Chand as Prime Minister.
	27 October	RNA repels a Maoist attack at Okhaldhunga airport. Approximately 50 Maoists and two RNA soldiers are killed.
	14 November	Maoists launch a major attack on Jumla district headquarters, attacking the RNA barracks, the DPO, government offices and the prison. The CDO, 34 police personnel, four RNA soldiers, two prisoners, two attendants and four local civilians are killed. At least 57 PLA combatants are killed.
	December	Maoists issue a press release indicating their openness to peace talks but reiterate their core demand for a Constituent Assembly.
	5 December	Maoists attack a police office and a bank in Siraha. Six police personnel and three Maoist combatants are killed.
	18 December	Maoists kill six police personnel in Dang.
	24 December	The APF establishes human rights cells.
	16 January	The Police establish a human rights cell.
	26 January	Maoists assassinate the head of the APF and his wife and bodyguard in Kathmandu.
	29 January	The second ceasefire is declared.

January	Almost 600 people are recorded missing between November 2001 and January 2003 (data from ICRC (2012)).
27 April	The first round of peace talks is held between Government and CPN(M).
9 May	The second round of peace talks commences. Political parties begin agitation against royal rule and for the restoration of Parliament.
5 August	Maoists detonate a bomb on a truck carrying Security Forces' personnel in Panchthar. Four soldiers, one policeman and one civilian are killed, and 23 people are injured.
17-19 August	The third round of talks is held in Banke and Dang.
17 August	RNA kill 17 Maoists and two civilians in Doramba, Ramechhap, after lining them up with their hands tied behind their backs. An NHRC investigation, which receives high-profile national and international attention, later concludes that the victims were summarily executed. The RNA initially denies this, but later admits to "some illegal killings."
27 August	The ceasefire breaks down and fighting resumes.
28 August	In Kathmandu, Maoists kill an RNA Colonel outside his home and injure another Colonel.
29 August	Maoists shoot and wound the former Deputy Home Minister.
1 September	Prachanda writes to the UN Secretary-General, Kofi Annan, expressing commitment to a peaceful solution and requesting UN and international community involvement.
9 September	The Maoists start FM radio in Nepal.
17 September	Security Forces attack a Maoist training camp in Rolpa. Security Forces claim that more than 100 Maoists are killed but the Maoists dispute this, claiming only seven are killed. Four soldiers and one policeman are also killed.
18 September	The Maoists organise a nationwide strike from 18-20 September.
10 October	Maoists launch an unsuccessful attack on an APF base in Banke and take heavy losses.
13 October	Maoists launch another unsuccessful attack on an APF in Dang.  Government Security Forces kill four students and six Maoists at a secondary school in Doti, where teachers and students had been forced to attend a Maoist cultural program.  Security Forces kill five Maoists in Khotang.
14 October	Security Forces kill at least 25 Maoists in Achham.
15 October	Maoists ambush RNA soldiers in Doti and claim that more than 20 soldiers are killed.
27 October	Maoists ambush Security Forces in Gorkha. Four people are killed including a Superintendent.
31 October	In Kailali, five civilians are killed after they are arrested by Security Forces.
2 November	Maoists ambush RNA personnel in Parsa, killing 13 soldiers and injuring five.
12 November	The Government announces loans to Maoist victims to use to take up foreign employment.
15 November	Four soldiers, including a Brigadier General, are killed in a Maoist ambush in Makwanpur.

	17 December	Maoists ambush Security Forces in Dang, killing five soldiers and five police personnel.
<b>2004</b>	9 January – 2 February	CPN(M) declares its establishment of People's Governments in eight regions.
	5 February	Security Forces kill 14 Maoists, including a district leader, in Makwanpur.
	15 February	The leader of the Maoist Victims' Association, Ganesh Chiluwal, is killed by Maoists in Kathmandu.
	17 February	RNA soldiers arrest 16-year-old Maina Sunuwar in Kavre. She is taken to the RNA's Birendra Peace Operations Training Centre in Panchkhal, where she is tortured and killed.
	19 February	Security Forces attack Maoists in Banke, killing five.
	20 February	A clash between Security Forces and Maoists in Khotang kills seven Maoists, including a Commander and a Deputy Commander, and three Security Forces' personnel.
	2 March	Maoists launch an attack on Bhojpur bazaar, killing more than 30 Security Forces. More than 20 Maoists are also killed. They destroy a telecommunications tower, the DAO, the DPO, and a bank.
	20 March	Maoists launch a major attack with several thousand PLA combatants on Beni bazaar, Myagdi, destroying government buildings and breaking into the jail to release prisoners. Both sides claim they killed more than 100 people. The Maoists take 37 hostages including the CDO and DSP.
	12 April	Security Forces attack a Maoist cultural programme in Achham from an RNA helicopter, killing seven people.
	9 May	A Maoist ambush in Dolakha kills six RNA soldiers, one policeman and six civilians.
	10 May	Ten international donors announce they are suspending development programmes in six Mid-Western districts because of threats by local Maoists.
	19 May	A clash between Security forces and Maoists on the road between Dadeldhura and Doti kills six Security Forces' personnel. Security Forces claim that more than 20 Maoists are also killed.
	2 June	King Gyanendra reappoints Deuba as Prime Minister. He re-establishes a coalition government.
	14 June	Maoists ambush Security Forces on the main road in Banke killing 22 Security Forces' personnel.
	17 June	Maoists clash with the <i>Pratihar Samiti</i> (Retaliation Group) in Kapilvastu, killing five of this group's cadres.
	19 June	Maoists ambush the APF in Dang, killing 14 APF personnel and four civilians.
	1 July	PM Deuba establishes an Investigative Committee on Disappearances led by Joint Secretary of the Ministry of Home Affairs, Narayan Gopal Malego.
	5 July	In Parsa, a Maoist ambush kills 12 police personnel and one civilian.
	6 July	A clash between Government and Maoist forces in Salyan leaves more than ten dead on each side.
	31 August	The Maoists announce the launch of the Strategic Offensive stage of the People's War.
	13 October	TADA is promulgated again, having lapsed in April.

14-16 October	The RNA launches major campaigns against the Maoists in Rolpa, Rukum and Pyuthan districts, and targets Maoist training camps in Arghakhanchi, Gulmi, Myagdi and Baglung districts.
3 November	Six Maoists are killed by Security Forces in Nawalparasi.
November	The US commits to give additional arms to the RNA.
16 November	Maoists ambush Security Forces in Dhading, killing at least four RNA soldiers. One PLA combatant is also killed. .  A clash between Maoists and Security Forces in Kailali leave six Security Forces' personnel and at least two Maoists dead. (The RNA claim 35 Maoists died.)
20 November	RNA soldiers attack a Maoist base in Kailali. Ten RNA soldiers and at least 16 Maoists are killed. (The RNA claim that many more Maoists were killed.)
4 December	Security Forces are ambushed by Maoists on the border between Kapilvastu and Dang. Six Security Forces' personnel are killed.
6-14 December	The UN Working Group on Enforced or Involuntary Disappearances (WGEID) visits Nepal.
15 December	A clash between Maoists and Security Forces in Arghakhanchi leaves at least 21 Security Forces' personnel and six Maoists dead. (Both sides claim they killed more.)
16 December	Seventeen Maoists are killed when they attempt to attack a Security Forces' patrol in Dailekh.  At least ten more Maoists are killed when they attempt to attack an RNA camp near a communications tower in Lamjung.
19 December	Maoists attack Security Forces in Dolakha, killing at least ten. Three Maoist combatants are also killed.
22 December	Maoists attack an RNA barracks at Chisapani on the border between Bardiya and Kailali. At least five Security Forces' personnel, one Maoist and five civilians are killed.
23 December	The RNA carry out an aerial offensive after Maoists ambush a security patrol in Arghakhanchi. At least 22 Maoists and two soldiers are killed.
<b>2005</b> 5 January	The RNA attacks a Maoist base in Kailali, killing many Maoists.
17 January	Nine soldiers, five police personnel and one Maoist are killed in Dhankuta, when Maoists attack Security Forces, who are trying to remove a Maoist barricade.
19 January	A clash between Maoists and Government Security Forces in Ilam kills at least six Maoists and 23 Security Forces' personnel.
23-26 January	The UN High Commissioner for Human Rights, Louise Arbour, visits Nepal amidst growing concerns about human rights violations.
26 January	At least five Security Forces and one civilian are killed in a clash following a Maoist ambush in Parbat.
26 January	The UN's WGEID publish a report stating that in 2003 and 2004, Nepal recorded the highest number of new cases of disappearances in the world.
1 February	King Gyanendra dismisses the government and assumes direct power, declaring a three-month state of emergency. Senior party and civil society leaders are placed under house arrest or imprisoned. Media censoring begins and there are communication blackouts.



5 February	Maoists abduct and murder two people in Kapilvastu, sparking violence there.
9 February	Maoists launch an attack on the prison in Dhangadhi, Kailali, releasing approximately 150 prisoners. The RNA claims that five police personnel are killed. (The Maoists claim this figure is higher.)
17-23 February	Protests in Kapilvastu become violent. Nine people are killed. Three suspected Maoists are taken to an army barracks. They are later released but the crowds then lynch them whilst soldiers are present. Six more suspected Maoists are killed the next day, and more killings and house-burnings follow targeting those with suspected Maoist links. In total, 31 people are killed and 708 houses are burnt down.
22 February	India and the UK suspend military aid to Nepal.
28 February	Security Forces attack Maoists in Ganeshpur, Bardiya, after Maoists abort plans for a major attack on Gulariya. 37 PLA combatants are killed, including a Brigade Commander, marking a major blow to morale for the Maoists. Two police personnel are also killed.
15 March	Reports emerge of a split in the top level leadership of CPN(M). Baburam Bhattarai, his wife Hisila Yami, and another politburo member are expelled from the party. (They are reinstated in July 2005.)
18 March	The UK Government cuts funding from three projects with the Nepal Police, the prison service and the PM's office.
31 March	A clash between Security Forces and Maoists in Okhaldhunga leave four Security Forces' personnel and at least two Maoists dead.
7 April	Maoists launch an attack for the second time on the RNA barracks in Khara, Rukum. This again is a very ill-judged attack. RNA responds by killing more than 100 PLA combatants and capturing weapons and bombs. Three Security Forces' personnel are killed.
10 April	A detailed agreement between the Government and the UN sets out terms for establishing an OHCHR human rights monitoring mission in Nepal. It includes rights to visit places of detention without notice and to interview detainees without supervision.
29 April	The state of emergency is lifted but King Gyanendra remains in power.
6 May	OHCHR establishes its office in Nepal and begins its human rights monitoring work.
8 May	The political parties that were sidelined by King Gyanendra meet for talks and form the SPA, declaring a resolve to end royal rule and the national crisis.
10 May	India resumes arms to Nepal after the state of emergency is lifted.
16 May	Maoists and Security Forces clash in Udayapur. At least nine Security Forces' personnel are killed.
25 May	A second investigation into disappearances, the Neupane Commission, is established under the Ministry of Home Affairs, and is tasked with inquiring into the status of 776 people reported to have been disappeared.
28 May	Prachanda gives a statement that Maoist leaders are meeting with the SPA in India.
6 June	Maoists detonate a bomb under a passenger bus in Chitwan, killing 36 and injuring 72. The vast majority of those killed and injured are civilians.
10 June	A clash on the highway in the Kavre kills two civilians, seven Security Forces' personnel and one Maoist.

	19 June	Maoists attack Khotang district headquarters, destroying government offices and leaving five police personnel and three Maoists dead. More than 60 prisoners are freed from the prison.
	25 June	Maoists and Security Forces clash at a checkpoint on the highway in Bardiya. At least six Maoists and one Security Forces' personnel are killed. Locals claim Maoists carried away many bodies of their cadres. Also simultaneous bombs are detonated by Maoists in Gulariya, Nepalganj and at other places along the highway.
	26 June	A clash between Maoists and Security Forces in Arghakhanchi leaves at least 12 Security Forces' personnel and two Maoists dead.
	22 July	Maoists kill seven Security Forces in an attack in Dang.
	7 August	Maoists launch a major attack on an RNA camp in Pili, Kalikot where a team of soldiers are involved in road-building. RNA states 58 soldiers were killed and 60 abducted. (Those abducted are released to the ICRC on 14 September.) At least 26 Maoists are killed.
	26 August	Maoists ambush Security Forces in Kapilvastu, killing five soldiers. RNA claims many Maoists also are killed.
	3 September	CPN (M) announce a three-month ceasefire (which is later extended by one month). This is unreciprocated by the Government.
	October	The Central Committee of CPN (M) announces the adoption of 'democratic republicanism'.
	23 November	SPA and CPN(M) leaders meet in Delhi and agree to unite against the King's rule. They release a 12-point agreement including a commitment to hold Constituent Assembly elections.
<b>2006</b>	2 January	The four-month unilateral CPN (Maoist) ceasefire ends. CPN(M) release a statement to the international community to assure them of their commitment to peace.
	5 January	Maoists attack the Security Forces' base near the airport in Nepalganj, killing three APF personnel.
	11 January	Maoists attack police offices, the unified command army barracks, and government buildings in Dhangadhi, Kailali.
	12-13 January	Security Forces' offensives in Tanahun and Syangja are reported to have killed at least ten Maoists.
	14 January	There are simultaneous attacks by Maoists at security posts in Thankot and Bhaktapur, the entrances to the Kathmandu valley from the west and the east. 12 police personnel are killed. Bombs are also detonated at Ward Offices in the Kathmandu valley in Lalitpur and Boudha.
	20 January	In Nepalganj, Maoists attack a police post, a security check post and a customs office, killing at least six police personnel.
	21 January	Maoists target Biratnagar's City Office with a bomb, damaging vehicles.  In a clash between Maoists and Security Forces in Makwanpur, five soldiers, one policeman, three civilians and 26 Maoists are killed.
	24 January	Maoists kill two Security Forces' personnel at security posts in Nepalganj.
	27 January	At least 11 Maoists and two Security Forces' personnel are killed when Maoists attempt to attack an RNA base in Bhojpur.
	31 January	Government offices and Security Forces are attacked by Maoists in Tansen, Palpa.

1 February	Nationwide protests, protesting royal rule, are held by the SPA on the anniversary of the King's takeover.
5 February	Maoists launch a nationwide <i>bandh</i> with support of the major political parties, in protest of the municipal elections announced by the King for 8 February.
6 February	Maoists attack a security base in Udayapur, killing five Security Forces' personnel.  Maoists attack municipality office in Panauti, Kavre, where at least two Maoists, two Security Forces' personnel and a civilian are killed.
7 February	Maoists attack main government offices and Security Forces in Dhankuta, the day before the scheduled municipal elections. At least two Maoists and one soldier are killed.
8 February	Municipal elections are held but are boycotted by the major political parties and the Maoists. RNA kills one UML protestor in Dang.
9 February	Maoists attack Security Forces in Rupandehi. 17 Security Forces' personnel, one civilian and four Maoists are killed. Maoists destroy four Security Forces vehicles' and abduct 12 Security Forces' personnel but later release them.
28 February	Maoists and Security Forces clash on the border between Palpa and Arghakhanchi. At least 12 Security Forces' personnel and 18 Maoists are killed.
5 March	Maoists launch an attack on Security Forces and destroy government offices and release prisoners in Ilam. Three Security Forces' personnel, four PLA combatants and two civilians are killed.
11 March	Leaders of the SPA and CPN(M) meet in Delhi. An agreement is reached that the CPN(M) will support the SPA in launching a nationwide strike against the Government and will withdraw its own planned programmes.
13 March	The Government attempts to encourage Maoists to surrender by announcing a Surrender and Rehabilitation Policy which offers money.
14 March	CPN(M) announce a three-week blockade of the Kathmandu valley and other district headquarters.
20 March	A clash between Maoists and Security Forces in Kavre leaves one PLA combatant and 13 Security Forces' personnel dead.
21 March	Security Forces kill at least 22 Maoists in Dhading and a follow up RNA operation causes other villagers to flee in fear.  Nine police personnel and three Maoists are killed when Maoists attack a police post in Jhapa.
27 March	Security Forces attack a Maoist gathering in Sindupalchowk from RNA helicopters, killing two Maoists and one civilian.
3 April	The Government bans public gatherings and protest programmes inside the Ring Road of Kathmandu from 5 April. Large number of political leaders and human rights activists are arrested in a further preventative measure.  CPN(M) announces an indefinite unilateral cessation of military hostilities in the Kathmandu valley.
5-6 April	Maoists attack Security Forces and government offices in Malangawa, district headquarters of Sarlahi, and an RNA barracks in the district. At least five police personnel and five Maoists are killed. An RNA helicopter sent to the town crashes and kills 11 soldiers after it is attacked by Maoists. The

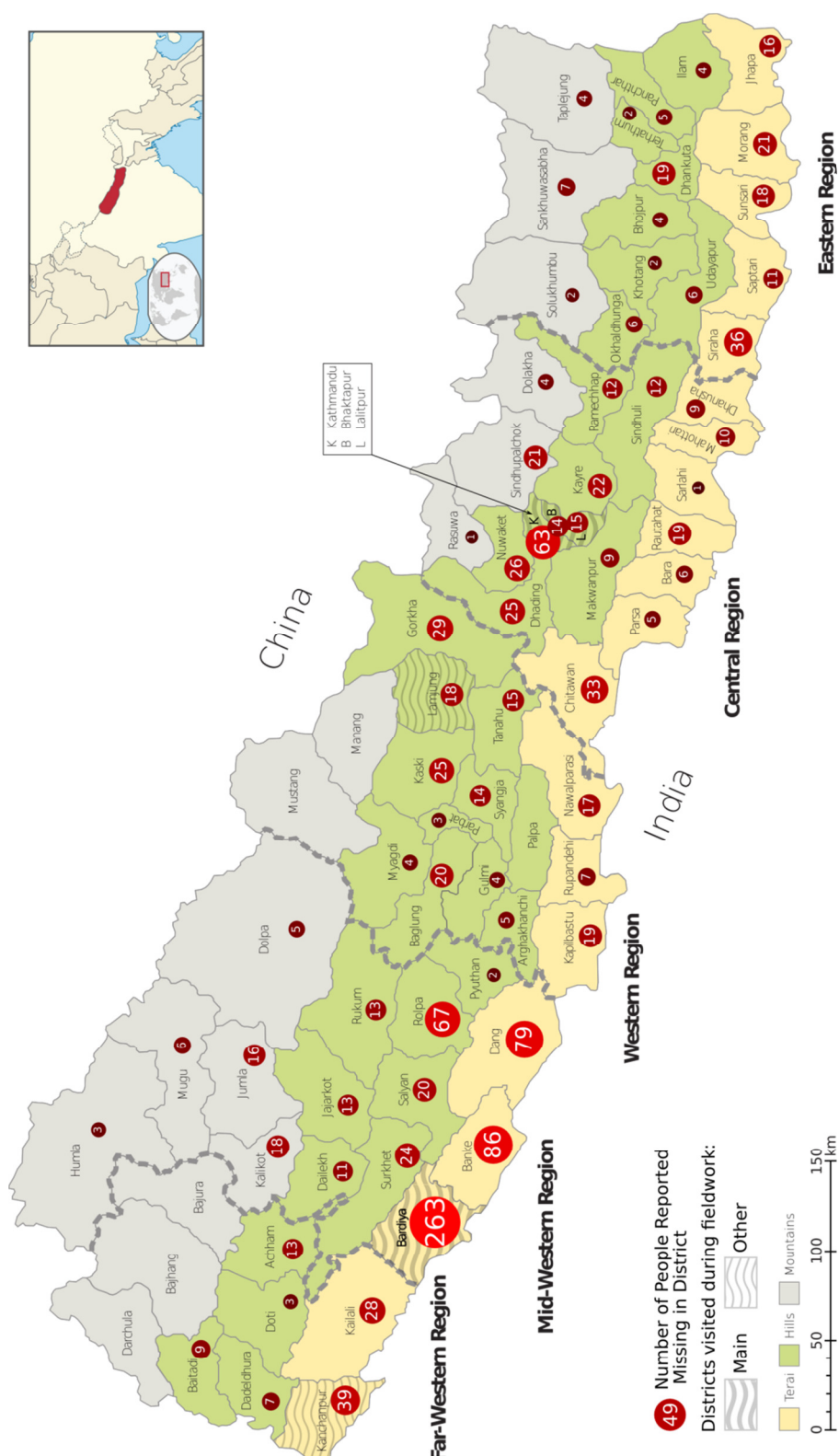
	Maoists free prisoners, abduct the CDO, and jail the DSP and 19 police personnel.
6 April	The SPA announce a general strike with CPN(M) and, with mass support from civil society, launch a massive people's movement for democracy that becomes known as the <i>jan āndolan II</i> .
7 April	Maoists attack security installations in Butwal. One civilian and seven Maoists are killed.  The DPO and District Forest Office are attacked in Kapilvastu and 106 prisoners are freed. One soldier, two police personnel and one civilian are killed.
23 April	Government offices and the District Hospital are attacked by Maoists in Sindhupalchowk. One civilian, one RNA soldier and at least four PLA combatants are killed.
24 April	Weeks of street protests force King Gyanendra to return power to parliament. According to INSEC (2007) 19 people were killed during the <i>jan āndolan</i> protests.
26 April	CPN(M) declares a three month unilateral ceasefire.
27 April	Veteran Nepali Congress leader, G. P. Koirala, becomes Prime Minister.
28 April	In its first session, the new Parliament proposes elections for a Constituent Assembly, fulfilling a key demand of CPN(M).
3 May	The Cabinet declares an indefinite ceasefire. It announces that a commission will be formed to investigate atrocities committed during the <i>jan āndolan II</i> and declares that NRs 1 million will be provided to each family of those killed.
18 May	The Parliament unanimously passes a proclamation announcing itself as the supreme body of the nation; curtailing the King's powers; declaring Nepal to be a secular state; setting up a council headed by the prime minister to control the army; renaming the Government as the Nepal Government; deleting 'Royal' from the titles of all other government bodies; and confirming that elections will be held for a Constituent Assembly.
26 May	During the first round of new talks, the Government and CPN(M) agree on a 25-Point Ceasefire Code of Conduct.
30 May	Maoist leaders Prachanda and Baburam Bhattarai make their first public appearance at a mass meeting in Makwanpur.
12 June	The Government withdraws the Terrorist and Disruptive Activities Ordinance (TADO).
15 June	During a second round of talks, the Government and CPN(M) agree to form a Ceasefire Monitoring Committee and to allow five civil society leaders to observe this.
3 July	The Government ends the Unified Command by the army of all the Security Forces.
27 July	Following letters to the UN by both the Government and CPN(M), with contested terms about the monitoring of the PLA, a UN mission arrives to discuss possibilities for support.
28 July	CPN(M) extend their ceasefire for three months.
9 August	The Government and CPN(M) agree to invite the UN to monitor the peace and oversee the management of the two armies and their arms.

	25 August	Ian Martin, who had been leading the OHCHR office, is appointed to head the UN peace monitoring mission to Nepal.
	28 August	A Detainee Investigation Task Force is commissioned by the Supreme Court of Nepal, led by an Appellate Court judge and representatives of the Attorney General's Office and the Nepal Bar Association, and tasked with more thorough legal investigations into disappearances.
	22 September	The Army Act 2063 (2006) is passed which officially removes the monarchy's control of the army and brings the selection procedures for army officers under the control of the Public Services Commission.
	29 October	CPN(M) extend their ceasefire for a further three months.
	21 November	The Comprehensive Peace Agreement (CPA) is signed between the Government and CPN(M), ending a conflict in which at least 1,300 people have disappeared.
<b>2007</b>	15 January	The cabinet approve an interim constitution. A new interim parliament is formed which also includes CPN(M).
	16 January	Madheshi activists, protesting the failure of the SPA and CPN(M) to address their grievances regarding representation, are arrested in Kathmandu after burning the interim constitution.
	18 January	CPN(M) order their People's Courts and People's Governments in different regions to be dissolved.
	19 January	A Maoist activist kills a Madheshi activist in Siraha, fuelling tensions there.
	23 January	The United Nations Mission to Nepal (UNMIN) is officially established.
	21 March	Madheshi activists linked with the MPRF kill at least 27 Maoists in Gaur, Rautahat.
	1 June	A landmark Supreme Court ruling on disappearances orders the Government to criminalise disappearances, set up a commission to investigate conflict-era disappearances (1996-2006) and make 'interim relief' payments to all families of the disappeared.
	2 September	A previously unknown Tarai-based group detonate three bombs in Kathmandu, killing three and injuring at least 20 people.
	5 September	Following months of agitation, the Government and the MRPF sign a deal.
	18 September	CPN(M) quit the Government.
	5 October	The decision is taken to postpone Constituent Assembly elections planned for November, as the SPA and CPN(M) cannot reach an agreement.
	15 December	The SPA and CPN(M) reach agreement on the format and process of the elections, ending the political deadlock.
	30 December	CPN(M) rejoin the Government.
<b>2008</b>	10 April	Twice postponed Constituent Assembly elections are held with CPN(M) winning the highest proportion of the votes.
	28 May	The monarchy is officially abolished and Nepal is declared a secular republic.
	21 July	The position of President and Vice-President (designated as largely ceremonial positions) are filled by Ram Baran Yadav of the Nepali Congress and Parmananada Jha of the MPRF respectively.
	15 August	Pushpa Kamal Dahal, the Maoist leader known as 'Prachanda', is the first Prime Minister elected to lead the Federal Democratic Republic of Nepal.

(Collated from timelines given in Lawoti and Pahari 2010: Annex B; Thapa and Sijapati 2003: Annex 1; UN OHCHR 2012: Annex One; with additional information from: Amnesty 2005; ICG 2003; HRW and Advocacy Forum 2008; INSEC Human Rights Year Book 2007; Cowan 2010; Riaz and Basu 2007; Ogura 2008; Supreme Court 2007; Whelpton 2005.)



## Annex Two: Map of Disappearances in Nepal



Figures from ICRC (2013) according to total number of people reported as missing by their relatives in each district. (Map constructed from districts outline available at <http://www.un.org.np/resources/maps/pptmaps/>.)





This map shows the number of people who disappeared in each VDC and in Gulariya Municipality, according to **place of disappearance** data collated from ICRC (2013).





## Bibliography

- Abrams, P. 1988 (1977). 'Notes on the difficulty of studying the state.' *Journal of Historical Sociology* 1:1 pp58-89.
- Adams, V. 1998. *Doctors for democracy: health professionals in the Nepal revolution*. Cambridge: Cambridge University Press.
- Adhikari, A. 2008. 'Criminal guilt,' 29/12/2008. *The Kathmandu Post*.
- . 2010. 'The ideological evolution of the Nepali Maoists.' *Studies in Nepali History and Society* 15:2. pp.217-251.
- . 2012. 'Revolution by other means: The transformation of Nepal's Maoists in a time of peace,' in S. von Einsiedel, D. Malone, and S. Pradhan (eds.) *Nepal in transition: from people's war to fragile peace*. Cambridge: Cambridge University Press.
- Adhikari, R. 2011. 'From aspirations to 'dream-trap': Nurse education in Nepal and Nepali nurse migration to the UK', Ph.D. University of Edinburgh.
- Advocacy Forum 2010. *Maina Sunuwar: Separating fact from fiction*. Kathmandu: Advocacy Forum.
- Advocacy Forum and ICTJ. 2010. *Across the lines: the impact of Nepal's conflict on women*. Kathmandu: Advocacy Forum and ICTJ.
- Ahearn, L. M. 2001. *Invitations to love: literacy, love letters, and social change in Nepal*. Ann Arbor, Mich.: University of Michigan Press.
- Amnesty International. 1987. *Nepal: A pattern of human rights violations*. London: Amnesty International. AI Index: ASA/31/08/87
- . 1997. *Nepal: Human rights violations in the context of a Maoist "people's war"*. London: Amnesty International. AI Index: ASA 31/001/1997
- . 2003. *Widespread disappearances*. London: Amnesty International. AI Index: ASA 31/045/2003.
- Andrews, M. 2007. *Shaping history: Narratives of political change*. Cambridge: Cambridge University Press.
- Angel-Ajani, A. 2006. 'Expert witness: Notes towards revisiting the politics of listening,' in V. Sanford and A. Angel-Ajani (eds.) *Engaged observer: anthropology, advocacy, and activism*. London: Rutgers University Press.
- Arbour, L. 2007. 'Statement to the press: Louise Arbour, United Nations High Commissioner for Human Rights, on Bardiya Disappearances', 21 January 2007. Kathmandu: OHCHR.
- Barthes, R. 1993. *Camera Lucida: Reflections on photography*. London: Vintage.
- Basnet, J. M. 2007. *258 Dark days*. Hong Kong: Asian Human Rights Commission.
- Bear, L. 2007. *Lines of the nation: Indian railway workers, bureaucracy, and the intimate historical self*. New York: Columbia University Press.
- Bennett, L. 1983. *Dangerous wives and sacred sisters: Social and symbolic roles of high-caste women in Nepal*. New York: Columbia University Press.

- Bernstein, A and E. Mertz. 2011. 'Introduction. Bureaucracy: Ethnography of the state in everyday life.' *PoLAR: Political and Legal Anthropology Review*. 34:1. pp 6-10.
- Bhattachan, K. B. 2000. 'Possible ethnic revolution or insurgency in a predatory unitary Hindu state, Nepal,' in D. Kumar (ed.) *Domestic conflict and crisis of governability in Nepal*. Kathmandu: Centre for Nepal and Asian Studies.
- Bhattarai, B., M. Mainali, J. Ghimirie, and A. Upadhyay. 1999. *Impunity in Nepal: An exploratory study*. Lalitpur: Asia Foundation.
- Biehl, J. G. 2007. 'A life: Between psychiatric drugs and social abandonment,' in J. G. Biehl, B. Good, and A. Kleinman (eds.) *Subjectivity: ethnographic investigations*. Berkeley; London: University of California Press.
- Bille, M., F. Hastrup, and T. F. Sørensen (eds.) 2010. *An anthropology of absence: materializations of transcendence and loss*. New York: Springer.
- Bista, D. B. 1991. *Fatalism and development: Nepal's struggle for modernization*. Hyderabad: Orient Longman.
- Boss, P. 1999. *Ambiguous loss: Learning to live with unresolved grief*. Cambridge, Mass.; London: Harvard University Press.
- Bouvard, M. G. 1994. *Revolutionizing motherhood: The mothers of the Plaza de Mayo*. Wilmington: SR Books.
- Buch, L. 2010. 'Uncanny affect: The ordinary, relations and enduring absence in families of detainees in the occupied Palestinian Territory.' Ph.D. University of Copenhagen.
- Burghart, R. 1996. 'The conditions of listening: The everyday experience of politics in Nepal,' in *The conditions of listening: Essays on religion, history, and politics in South Asia*. Delhi; Oxford: Oxford University Press.
- . 1996 (1984). 'The formation of the concept of nation-state in Nepal,' in *The conditions of listening: Essays on religion, history and politics in South Asia*. Delhi; Oxford: Oxford University Press.
- Cailmail, B. 2008-2009. 'A history of Nepalese Maoism since its foundation by Mohan Bikram Singh.' *European Bulletin of Himalayan Research*. 33-34. pp11-38.
- Cameron, M. M. 1998. *On the edge of the auspicious: Gender and caste in Nepal*. Urbana: University of Illinois Press.
- Caplan, L. 1970. *Land and social change in East Nepal: A study of Hindu-tribal relations*. London: Routledge and K. Paul.
- . 1975. *Administration and politics in a Nepalese town: The study of a district capital and its environs*. London: Oxford University Press.
- Cavell, S. 1997. 'Comments on Veena Das's essay "Language and body: Transactions in the construction of pain",' in A. Kleinman, V. Das, and M. Lock (eds.) *Social suffering*. Berkeley and Los Angeles: University of California Press.
- Central Bureau of Statistics. 2012. *National population and housing census 2011: National report*. Kathmandu: Government of Nepal.

- . 2013. *National population and housing census 2011: Caste/ethnicity*. Kathmandu: Government of Nepal.
- Chalmers, R. 2012. 'State power and security sector reform: Ideologies and interests,' in S. von Einsiedel, D. Malone, and S. Pradhan (eds.) *Nepal in transition: From people's war to fragile peace*. Cambridge: Cambridge University Press.
- Cheria, A., Edwin, N. K. Kandangwa, and K. Upadhyaya. 2005. *Liberation is not enough: The kamaiya movement in Nepal*. Kathmandu: Action Aid Nepal.
- Chettri, R. B. 2005. 'The plight of the Tharu kamaiyas in Nepal: A review of the social, economic and political facets.' *Occasional papers in sociology and anthropology* 9. pp22-46.
- Clarke, K. M. 2007. 'Global justice, local controversies: The International Criminal Court and the sovereignty of victims,' in T. Kelly and M.-B. Dembour (eds.) *Paths to international justice: Social and legal perspectives*. Cambridge: Cambridge University Press.
- Cohen, S. 2001. *States of denial: Knowing about atrocities and suffering*. Cambridge: Polity Press.
- Cowan, J. K., M.-B. Dembour, and R. Wilson. 2001. 'Introduction,' in Cowan, J. K., M.-B. Dembour, and R. Wilson (eds.) *Culture and rights: Anthropological perspectives*. Cambridge: Cambridge University Press.
- Cowan, S. 2006. 'Nepal's two wars,' *Himal Southasian*. March-April 2006. 18: 5. pp.32-35.
- . 2010. 'Inside the People's Liberation Army: A military perspective.' *European Bulletin of Himalayan Research* 37. pp82-116.
- Crossland, Z. 2002. 'Violent spaces: Conflict over the reappearance of Argentina's disappeared,' in J. Schofield, W. G. Johnson, and C. M. Beck (eds.) *Materiel culture: The archeology of twentieth-century conflict*. London: Routledge.
- Dahal, D. R. 2000. 'Nepal's governing elite: Their composition and role in constituting the state,' in D. Kumar (ed.) *Domestic conflict and crisis of governability in Nepal*. Kathmandu: Centre for Nepal and Asian Studies.
- Dahit, G. 1997. *Tharu – Nepali – English dictionary* Bardiya: UNYC.
- Das, V. 1990. *Mirrors of violence: Communities, riots and survivors in South Asia*. Delhi; Oxford: Oxford University Press.
- . 1997. 'Language and body: Transactions in the construction of pain,' in A. Kleinman, V. Das, and M. Lock (eds.) *Social suffering*. Berkeley and Los Angeles: University of California Press.
- . 2003. 'Trauma and testimony: Implications for political community.' *Anthropological Theory* 3:3. pp.293-307.
- . 2007. *Life and words: Violence and the descent into the ordinary*. Berkeley; London: University of California Press.
- Das, V., and A. Kleinman. 2000. 'Introduction,' in Das, V., A. Kleinman, M. Ramphela and P. Reynolds (eds.) *Violence and subjectivity*. Berkeley and Los Angeles: University of California.
- . 2001. 'Introduction,' in V. Das, A. Kleinman, M. Lock, M. Ramphela, and P. Reynolds (eds.) *Remaking a world: Violence, social suffering and recovery*. London: University of California Press.

- Das, V., A. Kleinman, M. Lock, M. Ramphele, and P. Reynolds (eds). 2001. *Remaking a world: Violence, social suffering and recovery*. London: University of California Press.
- Das, V., A. Kleinman, M. Ramphele, and P. Reynolds (eds.). 2000. *Violence and subjectivity*. Berkeley and Los Angeles: University of California.
- Das, V., and D. Poole (eds.). 2004. *Anthropology in the margins of the state*. Santa Fe: School of American Research Press
- de Alwis, M. 2009. ‘‘Disappearance’ and ‘Displacement’ in Sri Lanka.’ *Journal of Refugee Studies* 22: 3. pp 378-391.
- de Mel, N. 2001. *Women and the nation’s narrative: Gender and nationalism in twentieth century Sri Lanka*. New Delhi: Kali for Women.
- de Sales, A. 2003. ‘Remarks on revolutionary songs and iconography.’ *European Bulletin of Himalayan Research* 24. pp5-24.
- . 2008. ‘The Kham Magar country: Between ethnic claims and Maoism,’ in D. Gellner (ed.) *Resistance and the state: Nepalese experiences*. Delhi: Social Science Press.
- Des Chenes, M. 1997. ‘‘We women must try to live’: The saga of bhauju.’ *Studies in Nepali History and Society* 2: 1. pp125-172.
- . 1998. ‘Fate, domestic authority and women’s wills,’ in D. Skinner, A. Pach III, and D. Holland (eds.) *Selves in time and place: Identities, experience and history in Nepal*. Oxford: Rowman and Littlefield.
- Desjarlais, R. R. 1992. *Body and emotion: The aesthetics of illness and healing in the Nepal Himalayas*. Philadelphia: University of Pennsylvania Press.
- DFID. 2007. ‘Development dilemmas: Challenges of working in conflict and post-conflict situations in South Asia.’ Conference report. 5-6 March 2007, London.
- Dhital, P. 2008-2009. ‘A comparison of two ‘communal’ riots in Nepalganj: Myths of the state fraying at the edges and unravelling at the centre.’ *European Bulletin of Himalayan Research* 33-34. pp 73-104.
- Dixit, K. 2007. *A people war: Images of the Nepal conflict 1996-2006*. Kathmandu: Nepa-laya.
- Dixit, K. M. 2002. ‘Insurgents and innocents.’ *Himal Southasian*. June 2002. 15:6. pp.28-38.
- Domanska, E. 2005. ‘Towards the archaeontology of the dead body.’ *Rethinking History* 9: 4. pp. 389-413.
- Douglas, M. 1970. *Purity and danger: An analysis of concepts of pollution and taboo* (3rd imprint with corrections). London: Routledge and K. Paul.
- Eichentopf, S. R., and J. R. Mitchell. 2012. *A sociolinguistic study of Dangaura Tharu and related varieties*. Linguistic Survey of Nepal, Central Department of Linguistics, Tribhuvan University, Nepal and SIL International.
- Evans, R. 2009. ‘‘Innocent children’ or ‘frustrated youth?’: The impact of political conflict and displacement on Bhutanese refugee concepts of childhood and youth.’ *Studies in Nepali History and Society* 14: 1. pp. 143-178.

- Fisher, J. F., T. P. Acharya, and R. Kumari. 1998. *Living martyrs: Individuals and revolution in Nepal*. Delhi; Oxford: Oxford University Press.
- Frieden, J. 2012. 'A donor's perspective on aid and conflict,' in S. von Einsiedel, D. Malone, and S. Pradhan (eds.) *Nepal in transition: From people's war to fragile peace*. Cambridge: Cambridge University Press.
- Fujikura, T. 2001. 'Emancipation of kamaiyas: Development, social movement, and youth activism in post-Jana Andolan Nepal.' *Himalayan Research Bulletin* XXI. pp 29-35.
- . 2003. 'The role of collective imagination in the Maoist conflict in Nepal.' *Himalaya* XXIII. pp. 21-30.
- . 2007. 'The bonded agricultural labourers freedom movement in west Nepal,' in D. N. Gellner, H. Ishii, and K. Nawa (eds.) *Political and social transformations in North India and Nepal*, vol. 2, *Social Dynamics in northern South Asia*. New Delhi: Manohar.
- Fullard, M. 2008. *Disappearances in Nepal*. Kathmandu: ICTJ.
- Fuller, C. J., and J. Harriss. 2001. 'For an anthropology of the modern Indian state,' in C. J. Fuller and V. Bénéï (eds.) *The everyday state and society in modern India*. London: Hurst.
- Fürer-Haimendorf, C. V. 1957. 'The inter-relations of castes and ethnic groups in Nepal.' *Bulletin of the School of Oriental and African Studies* 20. pp. 243-253.
- Gautam, S., A. Banskota, and R. Manchanda. 2003. 'Where there are no men: Women in the Maoist insurgency in Nepal,' in D. Thapa (ed.) *Understanding the Maoist movement of Nepal*. Kathmandu: Centre for Social Research and Development.
- Gellner, D. N. 2008. 'Introduction: Transformations of the Nepalese state,' in D. N. Gellner (ed.) *Resistance and the state: Nepalese experiences (revised edition)*. Delhi: Social Science Press.
- . (ed.) 2008. *Resistance and the state: Nepalese experiences (revised edition)*. Delhi: Social Science Press.
- Ghimire, P. 2008-2009. 'Maoism, violence and religious upheaval in a village in Eastern Nepal.' *European Bulletin of Himalayan Research* 33-34. pp.11-38.
- . 2011. 'Maoists and dalits.' *Studies in Nepali History and Society* 16: 2. pp 297-320.
- Goodale, M., and S. E. Merry (eds.). 2007. *The practice of human rights: Tracking law between the global and the local*. Cambridge: Cambridge University Press.
- Guneratne, A. 2002. *Many tongues, one people: The making of Tharu identity in Nepal*. Ithaca; London: Cornell University Press.
- Gupta, A. 1995. 'blurred boundaries: the discourse of corruption, the culture of politics, and the imagined state.' *American Ethnologist* 22: 2. pp. 375-402.
- Gurung, H. 1997. 'State and society in Nepal,' in D. N. Gellner, J. Pfaff-Czarnecka, and J. Whelpton (eds.) *Nationalism and ethnicity in a Hindu kingdom: The politics of culture in contemporary Nepal*. Amsterdam: Harwood Academic.
- Hachhethu, K. 2002. *Party building in Nepal: Organization, leadership and people: A comparative study of the Nepali Congress and the Communist Party of Nepal (Unified Marxist-Leninist)*. Kathmandu: Mandala Book Point.



- . 2004. 'The Nepali state and the Maoist insurgency, 1996-2001,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- . 2008. 'Nepali Politics: People-parties interface,' in D. N. Gellner (ed.) *Resistance and the state: Nepalese experiences (revised edition)*. Delhi: Social Science Press.
- Hangen, S. I. 2010. *The rise of ethnic politics in Nepal: Democracy in the margins*. London; New York: Routledge.
- Hansen, T. B., and F. Stepputat. 2001. 'Introduction: States of imagination,' in T. B. Hansen and F. Stepputat (eds.) *State of imagination: Ethnographic explorations of the postcolonial state*. Durham, N.C; London: Duke University Press.
- . 2001. (eds.) *State of imagination: Ethnographic explorations of the postcolonial state*. Durham, N.C; London: Duke University Press.
- Harper, I. 2005. 'Interconnected and interinfected: DOTS and the stabilisation of the tuberculosis control programme in Nepal,' in D. A. Lewis and D. Mosse (eds.) *The aid effect: Giving and governing in international development*. London: Pluto Press.
- Hayner, P. B. 2001. *Unspeakable truths: Confronting state terror and atrocity*. New York: Routledge.
- Heaton Shrestha, C., and R. Adhikari. 2010. 'Antipolitics and counterpolitics in Nepal's civil society: The case of Nepal's citizens' movement.' *Voluntas: International Journal of Voluntary & Nonprofit Organizations* 21: 3. pp. 293-316.
- Hirslund, D. V. 2011. 'Revolutionary waiting: YCL cadres in Nepal's transition'. *Studies in Nepali History and Society* 16: 2. pp. 229-270.
- Hoftun, M., W. Raeper, and J. Whelpton. 1999. *People, politics & ideology: democracy and social change in Nepal*. Kathmandu: Mandala Book Point.
- Human Rights Watch. 2004. *Between a rock and a hard place: Civilians' struggle to survive in Nepal's civil war*. New York: Human Rights Watch.
- Human Rights Watch and Advocacy Forum. 2008. *Waiting for justice: Unpunished crimes from Nepal's armed conflict*. New York: Human Rights Watch.
- . 2009. *Still waiting for justice: No end to impunity in Nepal*. New York: Human Rights Watch.
- . 2010. *Indifference to duty: Impunity for crimes committed in Nepal*. New York: Human Rights Watch.
- . 2011. *Adding insult to injury: Continued impunity for wartime abuses*. New York: Human Rights Watch.
- Hutt, M. 2004. *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- . 2012. 'Reading Nepali Maoist memoirs.' *Studies in Nepali History and Society* 17: 1. pp. 107-142.
- ICRC. 2009. *Families of missing persons in Nepal: A study of their needs*. Kathmandu: ICRC.
- . 2011a. *Missing persons in Nepal: The right to know (updated list 2011)*. Kathmandu: ICRC and Nepal Red Cross Society.
- . 2011b. 'ICRC Action in Nepal for missing persons and their families.' Kathmandu: ICRC and Nepal Red Cross Society.

- . 2012. *Missing persons in Nepal (updated list 2012)*. Kathmandu: ICRC and Nepal Red Cross Society.
- . 2013. *Missing persons in Nepal (updated list 2013)*. Kathmandu: ICRC and Nepal Red Cross Society.
- ICTJ. 2011. *From relief to reparations: Listening to voices of victims*. Kathmandu: ICTJ.
- . 2013. *Beyond relief: Addressing the rights and needs of Nepal's wives of the disappeared*. ICTJ Briefing. Kathmandu: ICTJ.
- INSEC. 2008. *Impaired accountability: State of disappearance in Nepal*. Kathmandu: INSEC.
- International Commission of Jurists. 2009. *Disappearances in Nepal: Addressing the past, securing the future*. Kathmandu: ICJ.
- . 2012. *Commissions of inquiry in Nepal: Denying remedies, entrenching impunity*. Kathmandu: ICJ.
- International Crisis Group. 2003. *Nepal backgrounder: Ceasefire – soft landing or strategic pause?* Asia Report No. 50.
- . 2005. *Nepal's Maoists: Their aims, structure and strategy*. Asia Report No.104.
- . 2007. *Nepal's Maoists: Purists or pragmatists?* Asia Report No. 132.
- . 2007b. *Nepal's troubled Tarai region*. Asia Report No. 136.
- . 2009. *Nepal's faltering peace process*. Asia Report No. 163.
- . 2010a. *Nepal: Peace and justice*. Asia Report No. 184.
- . 2010b. *Nepal's political rites of passage* Crisis Group Asia Report No 194.
- Jacquet, C. 2008-2009. “One should not cut the blossom in the bud”, voices of Nepalese child soldiers. *European Bulletin of Himalayan Research* 33-34. pp. 171-190.
- Jauregui, B. 2010. ‘Shadows of the state, subalterns of the state: Police and “law and order” in postcolonial India.’ Ph.D. The University of Chicago.
- Justice, J. 1986. *Policies, plans, and people: Foreign aid and health development*. Berkeley; London: University of California Press.
- Karki, A., and D. Seddon (eds.). 2003. *The People's War in Nepal: Left perspectives*. Delhi: Adroit Publishers.
- Keck, M. E., and K. Sikkink. 1998. *Activists beyond borders: Advocacy networks in international politics*. Ithaca: Cornell University Press.
- Kelly, T. and M.-B. Dembour. 2007. ‘Introduction: The social lives of international justice,’ in T. Kelly and M.B. Dembour (eds.) *Paths to international justice: Social and legal perspectives*. Cambridge: Cambridge University Press.
- Kleinman, A., V. Das and M. Lock. 1997. *Social suffering*. Berkeley and Los Angeles: University of California Press.

- Kohrt, B. A. and S. M. Maharjan. 2009. 'When a child is no longer a child: Nepali ethnopsychology of child development and violence.' *Studies in Nepali History and Society* 14: 1. pp.107-142.
- Krämer, K.-H. 2008. 'How representative is the Nepali state?,' in D. N. Gellner (ed.) *Resistance and the state: Nepalese experiences (revised edition)*. Delhi: Social Science Press.
- Krauskopff, G. 1989. *Maîtres et possédés: Les rites et l'ordre social chez les Tharu (Népal)*. Paris: CNRS.
- . 1995. 'The Anthropology of the Tharus: An annotated bibliography.' *Kailash - Journal of Himalayan Studies* 17: 3&4.. pp. 185-213.
- . 1999. 'Corvées in Dang: ethno-historical notes,' in H. O. Skar (ed.) *Nepal: Tharu and Tarai neighbours*. Kathmandu: Bibliotheca Himalayica.
- . 2008. 'An 'indigenous minority' in a border area: Tharu ethnic associations, NGOs and the Nepalese state,' in D. N. Gellner (ed.) *Resistance and the state: Nepalese experiences, (revised edition)*. Delhi: Social Science Press.
- . 2011. 'Fluid belongings: The weight of places in a valley of Western Nepal,' in J. Pfaff-Czarnecka and G. Toffin (eds.) *The politics of belonging in the Himalayas: Local attachments and boundary dynamics*. New Delhi; London: SAGE.
- Kvedaravicius, M. 2011. 'Barzakh - A Film by Mantas Kvedaravicius,' Extimacy Films.
- Kwon, H. 2006. *After the massacre: Commemoration and consolation in Ha My and My Lai*. Berkeley; London: University of California Press.
- LaCapra, D. 1999. 'Trauma, absence, loss.' *Critical Inquiry* 25: 4. pp.696-727.
- Lakier, G. 2007. 'Illiberal democracy and the problem of law: Street protest and democratisation in multiparty Nepal,' in M. Lawoti (ed.) *Contentious politics and democratization in Nepal*. New Delhi Thousand Oaks, California: Sage Publications.
- Lal, C. K. 2007. 'From Mallik to Rayamajhi: History has repeated itself as a farce,' *Nepali Times*, 10-16 August 2007, vol. 361.
- . 2008. 'Begin at the beginning: The disappearances, impunity and terror started 23 years ago,' *Nepali Times*, 20-26 June 2008, vol. 401.
- . 2009. 'Post-Maoist futures,' *Nepali Times*, 25-31 Dec 2009, vol. 482.
- Lawoti, M. 2007. 'Contentious politics in democratizing Nepal,' in M. Lawoti (ed.) *Contentious politics and democratization in Nepal*. New Delhi Thousand Oaks, California: Sage Publications.
- Lecomte-Tilouine, M. 2008-2009. 'What 'really' happened in Dullu.' *European Bulletin of Himalayan Research* 33-34. pp. 143-170.
- Lecomte-Tilouine, M. 2004. 'Ethnic demands within Maoism: questions of Magar territorial autonomy,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- . 2006. '“Kill one, he becomes one hundred”: Martyrdom as generative sacrifice in the Nepal People's War.' *Social Analysis* 50: 1. pp.51-72.

- . 2008. 'The history of the messianic and rebel King Lakhan Thapa: Utopia and ideology among the Magars,' in D. N. Gellner (ed.) *Resistance and the state: Nepalese experiences (revised edition)*. Delhi: Social Science Press.
- . 2009. 'Terror in a Maoist model village, mid-western Nepal.' *Dialectical Anthropology* 33. pp.383-401.
- . 2010. 'Martyrs and living martyrs of the People's War in Nepal.' *Samaj - South Asian Multidisciplinary Journal* 4.
- . 2010b. 'Political change and cultural revolution in a Maoist model village, mid-western Nepal,' in M. Lawoti and A. K. Pahari (eds.) *The Maoist insurgency in Nepal: Revolution in the twenty-first century*. London; New York: Routledge.
- Lecomte-Tilouine, M. (tr. D. N. Gellner). 2004. 'Regicide and Maoist revolutionary warfare in Nepal: Modern incarnations of a warrior kingdom.' *Anthropology Today* 20: 1. pp. 13-20.
- Leve, L. G. 2007. 'Failed development' and rural revolution in Nepal: Rethinking subaltern consciousness and women's empowerment.' *Anthropological Quarterly* 80: 1. pp. 127-172.
- Macfarlane, A. 1994. 'Fatalism and development in Nepal,' in M. Hutt (ed.) *Nepal in the nineties: Versions of the past, visions of the future*. Delhi ; Oxford: Oxford University Press.
- Mainali, M. 2003. 'Development' vs. the Maobaadis,' in D. Thapa (ed.) *Understanding the Maoist movement of Nepal*. Kathmandu: Centre for Social Research and Development.
- Malkki, L. H. 1997. 'News and culture: Transitory phenomena and the fieldwork tradition,' in A. Gupta and J. Ferguson (eds.) *Anthropological locations: Boundaries and grounds of a field science*. Berkeley; London: University of California Press.
- Manandhar, P., and D. Seddon (eds.). 2010. *In hope and in fear: Living through the People's War in Nepal*. New Delhi: Adroit.
- Manchanda, R. 2004. 'Maoist insurgency in Nepal: Radicalizing gendered narratives.' *Cultural Dynamics* 16:237-258.
- Marsden, R. 2001. 'Participation' in conflict: Development and the Maoists in Nepal.' MA dissertation. University of Edinburgh.
- Martin Chautari. 2013. *The debilitating dynamics of Nepal's Constituent Assembly (2008-2012)*. Kathmandu: Martin Chautari.
- Martin, I. 2012. 'The United Nations and support to Nepal's peace process: The role of the UN Mission in Nepal,' in S. von Einsiedel, D. Malone, and S. Pradhan (eds.) *Nepal in transition: From people's war to fragile peace*. Cambridge: Cambridge University Press.
- McDonaugh, C. 1989. 'The Mythology of the Tharu: Aspects of cultural identity in Dang, West Nepal.' *Kailash - Journal of Himalayan Studies* 15: 3&4. pp.191-205.
- . 1997. 'Losing ground, gaining ground: Land and change in a Tharu community in Dang, West Nepal,' in D. N. Gellner, J. Pfaff-Czarnecka, and J. Whelpton (eds.) *Nationalism and ethnicity in a Hindu kingdom: The politics of culture in contemporary Nepal*. Amsterdam: Harwood Academic.
- . 1999. 'Aspects of social and cultural change in a Tharu village community in Dang, West Nepal, 1980-93,' in H. O. Skar (ed.) *Nepal: Tharu and Tarai neighbours*. Kathmandu: Bibliotheca Himalayica.

- . 2000. 'Spirit, substance, vehicle: Kinship and cosmology among the Dangaura Tharu, Nepal.' *Social Anthropology* 8: 1. pp. 19-32.
- Mehta, A. K., and M. Lawoti. 2010. 'Military dimensions of the 'People's War': Insurgency and counter-insurgency in Nepal,' in M. Lawoti and A. K. Pahari (eds.) *The Maoist insurgency in Nepal: Revolution in the twenty-first century*. London; New York: Routledge.
- Mertz, E. 2002. 'The perfidy of gaze and the pain of uncertainty: Anthropological theory and the search for closure,' in C. J. Greenhouse, E. Mertz, and K. B. Warren (eds.) *Ethnography in unstable places: Everyday lives in contexts of dramatic political change*. Durham: Duke University Press.
- Middleton T. and S. Shneiderman, 2008. 'Reservations, federalism and the politics of recognition in Nepal.' *Economic and Political Weekly* 43: 19. pp39-45
- Mishra, C. 2007. 'Political transition in Nepal: Towards an analytical framework,' in *Essays on the sociology of Nepal*. Kathmandu, Nepal: FinePrint Books.
- Mitchell, T. 2006 (1999). 'Society, economy and the state effect,' in A. Sharma and A. Gupta (eds.) *The anthropology of the state: A reader*. Malden, Mass.; Oxford: Blackwell.
- Mottin, M. 2010. 'Catchy melodies and clenched fists: Performance as politics in Maoist cultural programmes,' in M. Lawoti and A. K. Pahari (eds.) *The Maoist insurgency in Nepal: Revolution in the twenty-first century*. London; New York: Routledge.
- Mutua, M. 2001. 'Savages, victims and saviours: The metaphor of human rights.' *Harvard International Law Journal* 42:201-245.
- Nepal Human Rights Commission. 2008 (2065 B.S.) *Nepālko sasastra dwandwako awadhimā balpūrvak bepattā pārieka byaktiharuko awasthā sambandhi pratiwedan* (Status report on the individuals [forcefully] disappeared during Nepal's armed conflict). Kathmandu: Nepal Human Rights Commission.
- Nickson, R. A. 1992. 'Democratisation and the growth of communism in Nepal: a Peruvian scenario in the making?' *The Journal of Commonwealth & Comparative Politics* 30: 3. pp. 358-386.
- Odegaard, S. E. 1999. 'BASE and the role of NGOs in the process of local and regional change,' in H. O. Skar (ed.) *Nepal: Tharu and Tarai neighbours*. Kathmandu: Bibliotheca Himalayica.
- Ogura, K. 2004. 'Realities and images of Nepal's Maoists after the attack on Beni.' *European Bulletin of Himalayan Research* 27. pp. 67-125.
- . 2007. 'Maoists, people and the state as seen from Rolpa and Rukum,' in D. N. Gellner, H. Ishii, and K. Nawa (eds.) *Political and social transformations in North India and Nepal*, vol. 2, *Social Dynamics in northern South Asia*. New Delhi: Manohar.
- . 2008. *Seeking state power: The Communist Party of Nepal (Maoist)*. Berlin: Berghof Research Center for Constructive Conflict Management.
- OHCHR. 2006. *Report of investigation into arbitrary detention, torture and disappearances at Maharajgunj RNA barracks, Kathmandu, in 2003 – 2004*. Kathmandu: OHCHR.
- . 2006b. *The torture and death in custody of Maina Sunuwar: Summary of concerns*. Kathmandu: OHCHR.
- . 2007. *Findings of OHCHR-Nepal's investigations into the 21 March killings in Gaur and surrounding villages*. Kathmandu: OHCHR.

- . 2008. *Conflict-related disappearances in Bardiya district*. Kathmandu: OHCHR.
- . 2009. 'Press release: Ambassadors and Heads of Mission visit Bardiya to support victims of conflict-related disappearance, Nepalganj', 9 December 2009. Kathmandu: OHCHR.
- . 2012. *Nepal conflict report: An analysis of conflict-related violations of international human rights law and international humanitarian law between February 1996 and 21 November 2006*. Kathmandu: OHCHR.
- Onesto, L. 2005. *Dispatches from the people's war in Nepal*. London: Pluto Press.
- Panday, D. R. 2000. *Nepal's failed development: Reflection on the mission and the maladies*. Kathmandu: Nepal South Asia Centre.
- Parajuli, S (ed.). 2004. *Maoist Movement of Nepal: A selected bibliography*. Kathmandu: Martin Chautari.
- Pettigrew, J. 2004. 'Living between the Maoists and the army in rural Nepal,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst and Company.
- . 2007. 'Learning to be silent: Change, childhood and mental health in the Maoist insurgency in Nepal,' in H. Ishii, D. N. Gellner, and K. Nawa (eds.) *Nepalis inside and outside Nepal*. New Delhi: Manohar.
- . 2008. 'Guns, kinship and fear: Maoists among the Tamu-mai (Gurungs),' in D. N. Gellner (ed.) *Resistance and the state: Nepalese experiences (revised edition)*. Delhi: Social Science Press.
- . 2013. *Maoists at the hearth: Everyday life in Nepal's civil war*. Philadelphia: University of Pennsylvania Press.
- Pettigrew, J., and K. Adhikari. 2010. '“There is nowhere safe”: Intrusion, negotiation and resistance in a hill village in Central Nepal,' in P. Manandhar and D. Seddon. (eds.) *In hope and in fear: Living through the People's War in Nepal*. New Delhi: Adroit.
- Pettigrew, J., and S. Shneiderman. 2004. 'Women in the Maobaadi: Ideology and agency in Nepal's Maoist movement.' *Himal Southasian* 17: 1. pp. 19-29.
- Pettigrew, J., S. Shneiderman, and I. Harper. 2004. Relationships, complicity and representation: Conducting research in Nepal during the Maoist insurgency. *Anthropology Today* 20: 1. pp. 20-26.
- Pfaff-Czarnecka, J. 1997. 'Vestiges and visions: Cultural processes in the process of nation-building in Nepal,' in D. N. Gellner, J. Pfaff-Czarnecka, and J. Whelpton (eds.) *Nationalism and ethnicity in a Hindu kingdom: The politics of culture in contemporary Nepal*. Amsterdam: Harwood Academic.
- . 2004. 'High expectations, deep disappointment: Politics, state and society in Nepal after 1990,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- Pigg, S. L. 1992. 'Inventing social categories through place: Social representations and development in Nepal.' *Comparative Studies in Society and History* 34: 3. pp. 491-513.
- Poole, D. 2004. 'Between threat and guarantee: Justice and community on the margins of the Peruvian state,' in V. Das and D. Poole (eds.) *Anthropology in the margins of the state*. Sante Fe: School of American Research Press.

- Rajure, D. P. 1982a. 'Tharus of Dang: rites de passage and festivals.' *Kailash - Journal of Himalayan Studies* 9: 2&3. pp. 177-258.
- . 1982b. 'Tharus of Dang: Tharu religion.' *Kailash - Journal of Himalayan Studies* 9: 1. pp. 61-96.
- Ramirez, P. 2000. 'Subjects and citizens: Rural headmen in Argha-Khanci,' in P. Ramirez (ed.) (trans. S. Keyes) *Resunga: The mountain of the horned sage*. Lalitpur, Nepal: Himal Books.
- . 2004. 'Maoism in Nepal: Towards a comparative perspective,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- Ramphele, M. 1997. 'Political widowhood in South Africa: Embodiement of ambiguity,' in A. Kleinman, V. Das, and M. Lock (eds.) *Social suffering*. Berkeley and Los Angeles: University of California Press.
- Rankin, K. N. 1999. 'The predicament of labor: Kamaiya practices and the ideology of 'freedom',' in H. O. Skar (ed.) *Nepal: Tharu and Tarai neighbours*. Kathmandu: Bibliotheca Himalayica.
- Regmi, M. C. 1971. *A study in Nepali economic history, 1768-1846*. New Delhi: Manjuśrī Publishing House.
- Renshaw, L. 2010. 'Missing bodies near-at-hand: The dissonant memory and dormant graves of the Spanish civil war,' in M. Bille, F. Hastrup, and T. F. Sørensen (eds.) *anthropology of absence: Materializations of transcendence and loss*. New York: Springer.
- Robben, A. C. G. M. 2000. 'The assault on basic trust: Disappearance, protest, and reburial in Argentina,' in A. C. G. M. Robben, and M. M. Su'arez-Orozco (eds.) *Cultures under siege: Collective violence and trauma*. Cambridge: Cambridge University Press.
- . 2005. *Political violence and trauma in Argentina*. Philadelphia: University of Pennsylvania Press.
- Robins, S. 2010. 'Ambiguous loss in a non-Western context: Families of the disappeared in post-conflict Nepal.' *Family Relations* 59. pp. 253 – 268.
- Roka, H. 2004. 'The Emergency and Nepal's political future,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- Ross, F. C. 2003. *Bearing witness: Women and the Truth and Reconciliation Commission in South Africa*. London: Pluto Press.
- Samaddar, R. 1999. *The marginal nation: Transborder migration from Bangladesh to West Bengal*. New Delhi: Sage.
- Sant Cassia, P. 2005. *Bodies of evidence: Burial, memory, and the recovery of missing persons in Cyprus*. New York: Berghahn Books.
- Scarry, E. 1985. *The body in pain: The making and unmaking of the world*. Oxford: Oxford University Press.
- Schirmer, J. G. 1989. 'Those who died for life cannot be called dead': Women and human rights protest in Latin America.' *Feminist Review* 32. pp. 3-29.
- . 1994. 'The claiming of space and the body politic within nation-security states: The Plazo de Mayo madres and the Greenham Common women,' in J. Boyarin (ed.) *Remapping memory: The politics of timespace*. Minneapolis; London: University of Minnesota Press.

- . 1998. *The Guatemalan military project: A violence called democracy*. Philadelphia, Pa.: University of Pennsylvania Press.
- Seddon, D. 1994. 'Democracy and development in Nepal,' in M. Hutt (ed.) *Nepal in the nineties: Versions of the past, visions of the future*. Delhi; Oxford: Oxford University Press.
- Seddon, D., and A. Karki. 2010. 'From insurgency to civil war,' in P. Manandhar and D. Seddon (eds.) *In hope and in fear: Living through the People's War in Nepal*. New Delhi: Adroit.
- Segal, M. 2007. 'The role of development donors in the conflict in Nepal 2001 to 2006.' Master's Dissertation, University of Bradford.
- Shah, S. 2008. 'Revolution and reaction in the Himalayas: Cultural resistance and the Maoist 'New Regime' in Western Nepal.' *American Ethnologist* 35: 3. pp. 481-499.
- Sharma, A., and A. Gupta. 2005. 'Introduction: Rethinking theories of the state in an age of globalisation,' in A. Sharma and A. Gupta (eds.) *The anthropology of the state: a reader*. Malden, Mass.; Oxford: Blackwell.
- Sharma, M., and D. Prasain. 2004. 'Gender dimensions of the People's War,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- Sharma, P. R. 1997. 'Nation-building, multi-ethnicity and the Hindu state,' in D. N. Gellner, J. Pfaff-Czarnecka, and J. Whelpton (eds.) *Nationalism and ethnicity in a Hindu kingdom: The politics of culture in contemporary Nepal*. Amsterdam: Harwood Academic.
- Sharma, S. 2004. 'The Maoist movement: An evolutionary perspective,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- Shneiderman, S., and M. Turin. 2004. 'The path to *Jan Sarkar* in Dolakha district: Towards an ethnography of the Maoist movement,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- Shneiderman, S. B. 2009. 'The formation of political consciousness in rural Nepal.' *Dialectical Anthropology* 33. pp. 287-308.
- Shneiderman, S. B., and M. Turin. 2010. 'Negotiating Nepal's two polities: A view from Dolakha,' in P. Manandhar and D. Seddon (eds.) *In hope and in fear: Living through the People's War in Nepal*. New Delhi: Adroit.
- Shrestha-Schipper, S. 2008-9. 'Women's participation in the People's War in Jumla.' *European Bulletin of Himalayan Research* 33-34. pp. 105-122.
- Skultans, V. 1998. *The testimony of lives: Narrative and memory in post-Soviet Latvia*. London: Routledge.
- Snellinger, A. 2009. 'Yuba, hamro pusta: Youth and generational politics in Nepali political culture.' *Studies in Nepali History and Society* 14: 1. pp.39-66.
- . 2010. 'The repertoire of scientific organization: Ideology, identity and the Maoist student union,' in M. Lawoti and A. K. Pahari (eds.) *The Maoist insurgency in Nepal: Revolution in the twenty-first century*. London; New York: Routledge.
- Spencer, J. 2007. *Anthropology, politics and the state: Democracy and violence in South Asia*. Cambridge: Cambridge University Press.



- Stirr, A. 2010. 'Singing dialogic space into being: Communist language and democratic hopes at a Radio Nepal dohori competition.' *Studies in Nepali History and Society* 15: 2. pp. 297-330.
- Supreme Court of Nepal. 2007. 'Judgement of the Supreme Court of Nepal on Enforced Disappearance,' Kathmandu: Nepal Bar Association.
- Tarlo, E. 2001. 'Paper truths: The Emergency and slum clearance through forgotten files,' in C. J. Fuller and V. Bénéï (eds.) *The everyday state and society in modern India*. London: Hurst.
- . 2003. *Unsettling memories: Narratives of the Emergency in Delhi*. London: C. Hurst.
- Tate, W. 2007. *Counting the dead: The culture and politics of human rights activism in Colombia*. London: University of California Press.
- Thapa, D. 2001. 'Day of the Maoist.' *Himal Southasian* 14: 5. pp. 4-21.
- . 2003. *Understanding the Maoist movement of Nepal*. Kathmandu: Centre for Social Research and Development.
- . 2004. 'Radicalism and the emergence of the Maoists,' in M. Hutt (ed.) *Himalayan 'people's war': Nepal's Maoist rebellion*. London: Hurst.
- Thapa, D., and B. Sijapati. 2003. *A kingdom under siege: Nepal's Maoist Insurgency, 1996-2003*. Kathmandu: the printhouse.
- Thapa, M. 2005. *Forget Kathmandu: An elegy for democracy*. New Delhi: Penguin/Viking.
- Tilly, C. 2006. *Regimes and repertoires*. Chicago; London: University of Chicago Press.
- Tilly, C., and S. G. Tarrow. 2007. *Contentious politics*. London: Paradigm Publishers.
- Timbreza-Valerio, E., K. Adhikari, and D. Pokhrel. 2008. 'Nepal: A new hope for the disappeared,' in AFAD (ed.) *Reclaiming stolen lives*. Quezon City: AFAD.
- Turner, R. L. 1931. *A comparative and etymological dictionary of the Nepali language*. London: K. Paul Trench Trubner.
- Turner, V. W. 1967. *The forest of symbols: Aspects of Ndembu ritual*. Ithaca, N.Y.; London: Cornell University Press.
- Verdery, K. 1999. *The political lives of dead bodies: reburial and postsocialist change*. New York; Chichester: Columbia University Press.
- Vishwakarma, R. K. (ed.) 2006. *People's power in Nepal*. New Delhi: Manak Publications.
- Warren, K. B. 2002. 'Toward an anthropology of fragments, instabilities, and incomplete transitions' in C. J. Greenhouse, E. Mertz, and K. B. Warren (eds.) *Ethnography in unstable places: Everyday lives in contexts of dramatic political change*. Durham: Duke University Press.
- Weyermann, B. (ed.). 2010. *Close encounters: Stories from the frontline of human rights work in Nepal*. Kathmandu: Himal Books.
- Whelpton, J. 2005. *A history of Nepal*. Cambridge: Cambridge University Press.
- Wilson, R. A. 1997. 'Representing human rights violations: Social contexts and subjectivities,' in R. A. Wilson (ed.) *Human rights, culture and context: Anthropological perspectives*. London: Pluto Press.

- Winter, J. M. 1995. *Sites of memory, sites of mourning: The Great War in European cultural history*. Cambridge: Cambridge University Press.
- WGEID. 2005. 'Report of the Working Group on Enforced or Involuntary Disappearances: Addendum - Mission to Nepal, 6-14 December 2004'. United Nations' Commission on Human Rights, sixty-first session, Item 11 (b), 28 January 2005, Geneva.
- Zharkevich, I. 2009. 'A new way of being young in Nepal: The idea of Maoist youth and dreams of a new man.' *Studies in Nepali History and Society* 14: 1. pp. 67-105.
- Zur, J. 1993. 'The psychosocial effects of 'La Violencia' on widows of El Quiche, Guatemala,' in H. O'Connell (ed.) *Women and conflict*. Oxford: Oxfam.
- . 1994. 'The Psychological Impact of Impunity.' *Anthropology Today* 10: 3. pp. 12-17.
- Zur, J. N. 1998. *Violent memories: Mayan war widows in Guatemala*. Boulder, Colo.; Oxford: Westview Press.